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सं. 11] नई दिल्ली, शनिवार, मार्च 16, 2002/फाल्गुन 25, 1923
No. 11] NEW DELHI, SATURDAY, MARCH 16, 2002/PHALGUNA 25, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)

नई दिल्ली, 20 फरवरी, 2002

का.आ. 917.—निष्क्रांत सम्पत्ति प्रबंध अधिनियम, 1950
(1950 का 31) की धारा 6 की उपधारा (1) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्-
द्वारा गृह मंत्रालय, पुनर्वास प्रभाग के अवर सचिव, श्री बी.एन.
लाहिरी को, पंजाब, हरियाणा, हिमाचल प्रदेश, दिल्ली, उत्तर
प्रदेश, बिहार, पश्चिम बंगाल, उड़ीसा, आन्ध्र प्रदेश, मध्य प्रदेश,
राजस्थान, गुजरात, महाराष्ट्र, कर्नाटक, तमिलनाडु और केरल
की निष्क्रांत सम्पत्तियों, इन राज्यों में स्थित अचल निष्क्रांत
सम्पत्तियों/भूमियों, जो किसी पैकेज या प्रशासनिक और वित्तीय
प्रबंधों के अन्तर्गत हस्तांतरित की गई हैं, को छोड़कर उक्त अधि-
नियम के द्वारा अथवा उसके अधीन ऐसे अभिरक्षक को

सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से उप अभिरक्षक
के रूप में नियुक्त करती है।

[सं. 1(1) विशेष सैल / 87-एस.एस. II/बन्दोबस्त]

आर.के. यादव, निदेशक एवं संयुक्त मुख्य बन्दोबस्त आयुक्त

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 20th February, 2002

S.O. 917.—In exercise of the powers conferred
by Sub-section (1) of Section 6 of the Administration
of Evacuee Property Act, 1950 (31 of 1950), the
Central Government hereby appoints Shri B. N.
Lahiri, Under Secretary in the Rehabilitation Division
of Ministry of Home Affairs as the Deputy Cus-
todian of Evacuee Property for Punjab, Haryana,
Himachal Pradesh, Delhi, Uttar Pradesh, Bihar,
West Bengal, Orissa, Andhra Pradesh, Madhya

Pradesh, Rajasthan, Gujarat, Maharashtra, Karnataka, Tamil Nadu and Kerala for the purpose of discharging the duties imposed on the Custodian by or under the said Act, barring immovable evacuee Properties/lands situated in these States transferred under package deals or Administrative and Financial arrangements.

[No.1(1)/SPL. CELL/87-SS.II/SETTLEMENT]
R. K. YADAV, Director-cum-Jt. Chief Settlement
Commissioner

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(पेंशन एवं पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 28 फरवरी, 2002

का.आ.9 18.—राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड (5) के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा और लेखा विभाग में सेवा कर रहे व्यक्तियों के संबंध में नियंत्रक महालेखा परीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) संशोधन नियम, 2002 है।

(2) ये 1 जनवरी, 1996 से प्रवृत्त हुए समझे जाएंगे।

2. केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 में,—

(1) नियम 5 में, —

(i) उपनियम (1) में “के अधिक से अधिक एक तिहाई भाग को” शब्दों के स्थान पर “की अधिक से अधिक चालीस प्रतिशत राशि को” शब्द रखे जाएंगे;

(ii) उपनियम (2) में, क्रमशः “भाग” और “एक तिहाई” शब्दों के स्थान पर “प्रतिशत” और “चालीस प्रतिशत” शब्द क्रमशः रखे जाएंगे;

(2) नियम 9 में, उपनियम (3) के खंड (i) और खंड (ii) में “एक सौ” शब्दों के स्थान पर जहां जहां भी वे आते हैं “दो हजार” शब्द रखे जाएंगे;

(3) नियम 10 के परन्तुक में, “एक सौ” शब्दों के स्थान पर “दो हजार” शब्द रखे जाएंगे;

(4) नियम 22 में, उपनियम (1) के खंड (ख) में “एक सौ” शब्दों के स्थान पर “दो हजार” शब्द रखे जाएंगे;

(5) प्ररूप 1 में, भाग 1 के दूसरे पाद टिप्पण में “पेंशन के अधिक से अधिक एक तिहाई तक”

शब्दों के स्थान पर “पेंशन के अधिक से अधिक चालीस प्रतिशत तक” शब्द रखे जाएंगे;

(6) प्ररूप 2 में, भाग 1 के दूसरे पाद टिप्पण में “पेंशन के अधिक से अधिक एक तिहाई तक” शब्दों के स्थान पर “पेंशन के अधिक से अधिक चालीस प्रतिशत तक” शब्द रखे जाएंगे;

स्पष्टीकारक ज्ञापन

इस अधिसूचना को 1 जनवरी, 1996 से भूतलक्षी रूप से प्रभावी किया गया है। जिसमें पांचवे केन्द्रीय वेतन आयोग की सिफारिशों को प्रभावी किया गया था।

इन नियमों के भूतलक्षी रूप से लागू किये जाने में किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

टिप्पण : केन्द्रीय सिविल सेवा (पेंशन संराशीकरण) नियम, 1981 का. आ. 1134, दिनांक 11-04-1981 द्वारा और अधिसूचना संख्याक 34/1/81-पेंशन एकक दिनांक 08-07-1983 द्वारा संशोधित रूप में प्रकाशित किये गए थे। तत्पश्चात् ये नियम नीचे दी गई पेंशन तथा पेंशनभोगी कल्याण विभाग की अधिसूचना द्वारा संशोधित किए गए थे।

क्र. सं.	अधिसूचना संख्या	तारीख
1.	का. आ. संख्या 1870	04-05-1995
2.	का. आ. संख्या 2097	18-05-1995
3.	का. आ. संख्या 1775	19-07-1997

[सं. 34/8/99-पी.एंड पी. डब्ल्यू. (जी)]।

गंगा मूर्ति, निदेशक

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

New Delhi, the 28th February, 2002

S.O. 918.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Commutation of Pension) Rules, 1981, namely:

1. (1) These rules may be called the Central Civil Services (Commutation of Pension) Amendment Rules, 2002.

(2) They shall be deemed to have come into force with effect from 1st January, 1996.

2. In the Central Civil Services (Commutation of Pension) Rules, 1981,—

(1) in rule 5,—

(i) in sub-rule (1), for the words, “a fraction not exceeding one-third”, the words “of an amount not exceeding forty per cent” shall be substituted;

(ii) in sub-rule (2), for the words “fraction” and “one-third” respectively, the words “Percentage” and “forty per cent” shall be substituted respectively;

(2) in rule 9, in sub-rule (3), in clauses (i) and (ii) for the words, “one hundred” wherever these occur the words “two thousand” shall be substituted;

(3) in rule 10, in the proviso, for the words “one hundred”, the words “two thousand” shall be substituted;

(4) in rule 22, in sub-rule (1), in clause (b), for the words “one hundred”, the words “two thousand” shall be substituted;

(5) in Form 1, in Part I, in the second foot note, for the words “subject to a maximum of one third thereof” the words “subject to a maximum of forty per cent thereof” shall be substituted;

(6) in Form 2, in Part I, in the second foot note, for the words “subject to a maximum of one third thereof” the words “subject to a maximum of forty per cent thereof” shall be substituted;

EXPLANATORY MEMORANDUM

This notification is given retrospective effect from 1st January 1996 i.e. the date from which the recommendations of the Fifth Central Pay Commission were given effect to.

The interest of no one is adversely affected by retrospective application of these rules.

Note : The Central Civil Services (Commutation of Pension) Rules, 1981 were published vide S.O. 1134 dated 11-4-1981 and as amended by Notification No. 34/1/81-Pension Unit dated 8th July, 1983. The rules were subsequently amended vide Department of Pension and Pensioners' Welfare Notification given below:

S.No.	Notification No.	Date
1.	S.O. No. 1870	04-05-1985
2.	S.O. No. 2097	18-05-1985
3.	S.O. No. 1775	19-07-1997

[No. 34/8/99-P&PW(G)]
GANGA MURTHY, Director

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 4 मार्च, 2002

का.आ.919.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की दिनांक दिसम्बर 27, 2001 की अधिसूचना संख्या एचडी 220 पीसी आर 2001 द्वारा प्राप्त राज्य सरकार की सहमति से भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम संख्या 49) की धारा 13(1) (घ) के साथ पठित धारा 13(2) तथा भारतीय दण्ड संहिता 1860 की धारा 409, 420, 467, 468 तथा 471 के साथ पठित धारा 120-ख के अन्तर्गत 1. श्री के. रामामूर्ति, मुख्य प्रबंधक, यूनियन बैंक आफ इंडिया 2. श्री टी. एम. आर. नटराजन, मुख्य प्रबंधक, यूनियन बैंक आफ इंडिया 3. श्री आर. एम. चन्द्रमोहन, प्रबंधक, यूनियन बैंक आफ इंडिया 4. श्री के. सी. श्रीनिवास, उप प्रबंधक (लेखा), यूनियन बैंक आफ इंडिया 5. श्री बी. जे. राव, उप प्रबंधक, अग्रिम, यूनियन बैंक आफ इंडिया 6. श्री जी. एस. रघु कुमार, विशेष सहायक (अग्रिम), यूनियन बैंक आफ इंडिया 7. डॉ. एल. आर. भोजवानी, मुख्य प्रबंध निदेशक, मैसर्स भोजवानी ग्रुप आफ कंपनीज 8. श्री संजय भोजवानी, निदेशक मैसर्स भोजवानी ग्रुप ऑफ कंपनीज, पुणे, मैसर्स भोजवानी होटल्स प्राइवेट लिमिटेड, पुणे, बंगलौर तथा अन्य लोक सेवक अथवा आर. सी. 7(ई)/2001-बी एस एण्ड एफ सी/बी एल आर द्वारा डी एस पी ई/सी बी आई/बी एस एण्ड एफ सी बंगलौर के अन्तर्गत दर्ज व्यक्तियों के मामले के तहत दण्डनीय अपराधों और ऊपर वर्णित अपराधों में संश्लिष्ट अथवा संसक्त प्रयत्न, दुष्प्रेरण और षडयंत्र तथा वैसे ही संयवहार के अनुक्रम में किया गया अथवा किए गए अथवा उन्ही तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार एतद्वारा सम्पूर्ण कर्नाटक राज्य के संबंध में करती है।

[संख्या 228/4/2002-ए.बी. डी.-II]

शुभा ठाकुर, अवसर सचिव

(Department of Personnel and Training)

New Delhi, the 4th March, 2002

S.O. 919.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD/220/PCR/2001, dated 27-12-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under sections 120-B read with 409, 420, 467, 468 and 471 of the Indian Penal Code, 1860 and section 13(2) read with section 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988).

and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts against S/Sh. K. Ramamurthy, Chief Manager, Union Bank of India. (2) Sh. T.M.R. Natarajan, Chief Manager, Union Bank of India, (3) Sh. R.M. Chandramohan, Manager, Union Bank of India, (4) Sh. K.C. Srinivas, Deputy Manager (Accounts) Union Bank of India, (5) Sh. V.J. Rao, Deputy Manager, Advances, Union Bank of India, (6) Shri G.S. Rudrakumar, Special Assistant (Advances), Union Bank of India, (7) Dr. L.R. Bhojwani, Chief Managing Director, M/s. Bhojwani Group of Companies, (8) Sh. Sanjay Bhojwani, Director, M/s. Bhojwani Group of Companies, Pune, M/s. Bhojwani Hotels Private Limited, Pune/Bangalore and others public servant or person registered with DSPE/CBI/BS&FC/Bangalore vide RC-7(E)/2001-BS&FC/BLR.

[No. 228/4/2002-AVD.II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 5 मार्च, 2002

का. आ. 920.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को मध्य प्रदेश राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.व्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित निरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री

1. ओमप्रकाश चक्रधर
2. आर. डी. पंचोली
3. अविनाश कात्यायनी
4. प्रदीप गुप्ता

[सं. 225/48/2000-ए.वी. डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 5th March, 2002

S. O. 920.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Madhya

Pradesh as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law : S/Shri

1. Omprakash Chakradhar
2. R. D. Pancholi
3. Avinash Katayani
4. Pradeep Gupta.

[No. 225/48/2000-AVD.-II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 7 मार्च, 2002

का. आ. 921.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को कर्नाटक राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.व्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री

1. वाई. आर. जगदीश
2. एस. एन. सत्यनारायण
3. एम. सी. रवि कुमार
4. एच. पी. लीलाधर
5. आर. सारथ चंद्र
6. बी. एल. संजीव
7. श्रीमती शैलजा पी.
8. श्रीमती के. आर. मीणा कुमारी
9. आर. मलैह

[सं. 225/50/2000-ए. वी. डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 7th March, 2002

S. O. 921.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Karnataka as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these

cases in revisional or appellate courts established by Law.

S/Shri

1. Y.R. Jagdeesha
2. S.N. Satyanarayana
3. M.C. Ravi Kumar
4. H.P. Leeladhar
5. R. Sharath Chandra
6. B.L. Sanjeev
7. Smt. Shylaja P.
8. Smt. K.R. Meena Kumari
9. R. Mallaiah

[No. 225/50/2000-AVD.II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 7 मार्च, 2002

का. आ. 922.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को गोवा राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :
सर्वश्री

1. संतोष राम रिवांकर
2. जोसफ सेबातियन वाज

[सं. 225/46/2000-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 7th March, 2002

S. O. 922.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Goa as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

S/Shri

1. Santosh Rama Rivankar
2. Joseph Sebastian Vaz

[No. 225/46/2000-AVD.II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 7 मार्च, 2002

का. आ. 923.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को उत्तर प्रदेश राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री

1. कौशलेन्द्र प्रताप सिंह
2. अरुण कुमार गुप्ता
3. रविन्द्र बहादुर खरे
4. अरुण कुमार मिश्र

[सं. 225/45/2000-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 7th March, 2002

S.O. 923.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Uttar Pradesh as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

S/Shri

1. Kaushlendra Pratap Singh
2. Arun Kumar Gupta
3. Ravindra Bahadur Khare
4. Arun Kumar Mittal

[No. 225/45/2000-AVD.II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 7 मार्च, 2002

का. जा. 924.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को महाराष्ट्र राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत

अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री

1. एस. बी. देशपांडे
2. एम. बी. देशमुख
3. एम. बी. औरंगज़ादकर
4. डा. संतोष ए. शाह
5. ए. एम. पीरजादे
6. ए. के. सूर्यवंशी
7. एन. एम. गौडबोले
8. बी. बी. पारख
9. एन. डी. सूर्यवंशी
10. आर. टी. पाटिल
11. बी. डी. अथारे

[सं. 225/41/2000-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 7th March, 2002

S. O. 924.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Maharashtra as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

S/Shri

1. S. B. Deshpande
2. M. B. Deshmukh
3. M. B. Aurangabadkar
4. Dr. Santosh A. Shah
5. A. M. Peerzade
6. A. K. Suryawanshi
7. N. M. Godbole
8. V. V. Parakh
9. N. D. Suryavanshi
10. R. T. Patil
11. V. D. Athare

[No. 225/41/2000-AVD.II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 8 मार्च, 2002

का. आ. 925.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय अन्वेषण ब्यूरो के अधीन मुंबई राज्य में स्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है:—

अधिवक्ता, जयपुर, रिटेनर काउन्सेल को राजस्थान उच्च न्यायालय, जयपुर में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजनों, अपीलों, पुनरीक्षणों और अन्य विषयों का संचालन करने के लिए राजस्थान उच्च न्यायालय में विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/20/2000-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 8th March, 2002

S. O. 925.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Santosh Pal Tyagi, Advocate, Jaipur Retainer Counsel of the Central Bureau of Investigation in the Rajasthan High Court, as Special Public Prosecutor for conducting the prosecutions, appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment in the Rajasthan High Court at Jaipur.

[No. 225/20/2000-AVD.-II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 8 मार्च, 2002

का. आ. 926.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को गुजरात राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है:—

सर्वश्री,

1. भगवान लाल एम. गुप्ता
2. वीरेन्द्र सी. साह
3. निशीथ पी. मेहता
4. चेतन के साह
5. गोरंग ए. व्यास
6. ए.ए. शेख

[सं. 225/42/2000-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 8th March, 2002

S.O. 926.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following

S.O. 927.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Jammu and Kashmir as entrusted to them by the Director, Central Bureau of Investigation, in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्-द्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र तीन करोड़ बीस लाख पचास हजार छह सौ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र तीन सौ बीस करोड़ पचास लाख साठ हजार रुपये के समग्र मूल्य के आई.डी.बी. आई. प्लैक्सी बॉण्ड्स-II के रूप में वर्णित बंधपत्रों पर (205037 बंधपत्र डिमैटिलाइज्ड रूप में और 435975 बंधपत्र प्रोमिसरी नोटों के रूप में) स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 7/2002-स्टाम्प/फा. सं. 33/10/2002-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 20th February, 2002

STAMPS

S.O. 929.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees three crore twenty lakh fifty thousand six hundred only chargeable on account of the stamp duty on bonds described as IDBI Flexibonds-II (205037 Bonds in the dematerialised form and 435975 Bonds in the form of Promissory notes) aggregating to rupees three hundred twenty crore fifty lakh sixty thousand only, to be issued by the said Bank.

[No. 7/2002-STAMPS/F.No. 33/10/2002-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 26 फरवरी, 2002

स्टाम्प

का.आ. 930:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा लक्ष्मी विलास बैंक लिमिटेड, कर्ण, तमिलनाडु को मात्र दस लाख छब्बीस हजार दो सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त बैंक द्वारा जारी किए जाने वाले:

- (i) मात्र पन्द्रह करोड़ पच्चीस लाख रुपये के समग्र मूल्य के 1 से 1525 तक की विशिष्ट संख्या वाले प्रोमिसरी नोटों के स्वरूप में 10.40 प्रतिशत अपरिवर्तनीय गौण बंधपत्रों (शृंखला-II) और

- (ii) मात्र पांच करोड़ पचपन लाख रुपये के समग्र मूल्य के 1 से 555 तक की विशिष्ट संख्या वाले डिबेन्चरों के स्वरूप में 10.40 प्रतिशत अपरिवर्तनीय गौण बंधपत्रों (शृंखला-II) पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 8/2002-स्टाम्प/फा. सं. 33/12/2002-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 26th February, 2002

STAMPS

S.O. 930.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Lakshmi Vilas Bank Limited, Karur, Tamil Nadu to pay consolidated stamp duty of Rupees Ten Lakh Twenty Six Thousand Two Hundred Fifty only chargeable on account of the stamp duty on bonds described as :

- (i) 10.40% Unsecured Redeemable Non-Convertible Subordinated Bonds (Series-II) in the nature of promissory notes bearing distinctive numbers from 1 to 1525 aggregating to Rupees Fifteen Crore Twenty Five Lakh only, and
- (ii) 10.40% Unsecured Redeemable Non-Convertible Subordinated Bonds (Series-II) in the nature of Debentures bearing distinctive numbers from 1 to 555 aggregating to Rupees Five Crore Fifty Five Lakh only,

to be issued by the said Bank.

[No. 8/2002-STAMPS/F. No. 33/12/2002-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 5 मार्च, 2002

का.आ. 931:—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/49/-2001-सी.यू.एन.-VIII, दिनांक 25-01-2002 को जारी किया और यह निर्देश दिया कि श्री रजनीश कुमार सुपुत्र श्री नरेश कुमार, निवासी देवी मंदिर के समीप, लाडवा, कुरुक्षेत्र, हरियाणा तथा (1) दुकान नं. 9, नई ग्रेन मार्केट के निकट, लाडवा, कुरुक्षेत्र (2) मकान नं. 84, सेक्टर-IX, कामधेनु अपार्टमेंट, रोहिणी, दिल्ली, को नजरबन्द किया जाए और उन्हें केन्द्रीय कारागार, अम्बाला, हरियाणा, में

अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में उन्हें माल की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक कुरुक्षेत्र, के सम्मुख उपस्थित हो।

[फा. सं. 673/49/2001-सी.यू.एस.-VIII]

विजय के. शर्मा, उप सचिव

ORDER

New Delhi, the 5th March, 2002

S.O. 931.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/49/2001-Cus. VIII, dated 25-01-2002 under the said Sub-section directing that Shri Rajnish Kumar, S/o Sh. Naresh Kumar, R/o Opp. Devi Mandir, Ladwa, Kurukshetra, Haryana. Also at: (1) Shop No. 9, Near New Grain Market, Ladwa, Kurukshetra, Haryana (2) H.No. 84, Sector-IX, Kamadhenu Apartment, Rohini, Delhi be detained and kept in custody in the Central Jail, Ambala, Haryana with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Kurukshetra, Haryana within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/49/2001-Cus. VIII]

VIJAY K. SHARMA, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 26 फरवरी 2002

(आयकर)

का.आ. 932.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार अधोलिखित संगठन 710 GI/2002—2

को उनके नाम के सामने उल्लिखित अवधि, के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (II) के प्रयोजनार्थ संस्थान श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :

(i) अधिसूचित संस्थान अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगा;

(ii) अधिसूचित संस्थान प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टैक्नोलॉजी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा ;

[(iii) अधिसूचित संस्थान केन्द्र सरकार की तरफ से नामोदिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के अन्तर्गत छूट प्रदान की गई थी के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रोड, पांचवा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
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1.	ओरोविले फाउंडेशन भारत निवास पांडिचेरी-605101	1-4-2000 से 31-3-2003.
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टिप्पणी : अधिसूचित संस्थान को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें।

अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 51/2002/फा.सं. 203/42/2001-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 26th February, 2002

(INCOME TAX)

S.O. 932.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 under the category "Institution" subject to the following conditions :

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata 700 071; (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Auroville Foundation, Bharat Nivas, Pondicherry 605 101.	1-4-2000 to 31-3-2003.

Notes : The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be

sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 51/2002/F. No. 203/42/2001
ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 26 फरवरी, 2002

का.आ. 933.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों/औद्योगिक उपक्रमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबन्धों के अनुरूप होगा और उनका अनुपालन करेगा,
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
- (क) अब संरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) खातों बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली 1962 के नियम 2ड. के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2 ड. के उप नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

मैसर्स गुजरात पावर जनरेशन एनर्जी कार्पोरेशन लि. 6ठवो तले "चाणव्यं" आफ आश्रम रोड, अहमदाबाद-380009 को उनके गुजरात जिले में पागुठन गांव स्थित पावर 655 एम डब्ल्यू डुअल फ्यूल कम्बाईड साईकिल पावर प्लांट के लिए।

[अधिसूचना सं. 50/2002/एफ.सं. 205/43/98 आ. क.
नि. II खंड-II]

संगीता गुप्ता, निदेशक

New Delhi, the 26th February, 2002

S.O. 933.—It is notified for general information that enterprise, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income tax Act, 1961

read with rule 2E of the Income tax Rules, 1962 for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

(i) the enterprise/industrial undertakings will conform to and comply with the provisions of section 10(23G) of the Income tax Act, 1961, read with rule 2E of the Income tax Rules, 1962.

(ii) The Central Government shall withdraw this approval if the enterprise/industrial undertaking:—

(a) ceases to carry on infrastructure facility, or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income tax Rules, 1962, or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income tax Rules, 1962.

3. The enterprise approved is—M/s Gujarat powers General Energy Corporation Ltd., 1st Floor, "Chankaya" Off Ashram Road, Ahmedabad-380009 for their project 655 MV dual Fuel Combined Cycle Power Plant at Paguthan Village in the Distt. of Gujarat (F. No. 205/43/98/ITA.II-Vol. I)

[Notification No. 50/2002/F No. 205/43/98/ITA.II-Vol. I
ITA-II]

SANGEETA GUPTA, Director

नई दिल्ली, 6 मार्च, 2002

का.आ. 934.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 तथा 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों/औद्योगिक उपक्रम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि:

(i) उद्यम/औद्योगिक उपक्रम आयकर-नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुरूप होगा और उक्ता अनुपालन करेगा,

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम —

(क) अब संचालनात्मक सुविधा को जारी रखना बंद कर देता है, और

(ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2E के

के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखा-कार द्वारा ऐसे खातों की लेखापरीक्षा नहीं कराता है, अथवा

(ग) आयकर नियमावली, 1962 के नियम 2E के उप नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है :

मैसर्स नार्थ ईस्टर्न इलेक्ट्रिक पावर कॉर्पोरेशन लि., ब्रुकलैंड कम्पाउंड लोवर न्यू कॉलोनी लायुमखरा पो. बा. सं. 79, शिलांग-793003 को उनके अरुणाचल प्रदेश स्थित रामगंडी हाइड्रो इलेक्ट्रिक पावर प्रोजेक्ट 3 × 135 मेगावाट तथा नागालैंड स्थित डोयांड हाइड्रो इलेक्ट्रिक पावर प्रोजेक्ट 3 × 25 मेगावाट परियोजनाओं हेतु (फा. सं. 205/133/99 आयकर नि. II खंड-II)

[अधिसूचना सं. 54/2002/फा. सं. 205/133/99-
आयकर नि.-II, खंड-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 6th March, 2002

S.O. 934.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

(i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10 (23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, ;

(ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:—

(a) ceases to carry on infrastructure facility; or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income tax Rules, 1962.

3. The enterprise approved is—M/s North Eastern Electric power Corporation Ltd. Brookland Compound, Lower New Colony, Laitumkhrah, P.B. No. 79, Shillong-793003 for their Projects Rangandi Hydro Electric Power Projects 3 × 135 MW located

at Arunachal Pradesh and Doyand Hydro Electric Power Project 3x25MW located at Nagaland (F. No. 205/133/99/ITA.II-Vol. I)

[Notification No. 54/2002/F. No 205/133/99-ITA-II
Vol. I]
SANGEETA GUPTA, Director(ITA-II)

नई दिल्ली 6 मार्च, 2002

का.आ. 935.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिये नीचे पैरा 3 में उल्लिखित उद्योग को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि:—

(i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम:—

(क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और

(ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा

(ग) आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है:—मैसर्स जी.एम. आर. पावर कारपोरेशन प्रा.लि. बंगलौर-560025 के 4x50 मेगावाट (200 मेगावाट) डीजल इंजन पावर स्टेशन के उत्पादन हेतु बेसिन ब्रिज, चेन्नई, तमिलनाडु स्थित विद्युत् उत्पादन परियोजना (फा.सं. 205/8/98/आ.क.नि.-II, खंड-II)

[अधिसूचना स. 55/2002, फा.सं. 205/
8/98-आई.टी.ए. II खंड-I]

संगीत गुप्ता, निदेशक (आईटी-ए-II)

New Delhi, the 6th March, 2002

S.O. 935.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act 1961 read with rule 2E of the Income tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that:—

(i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962,

(ii) the Central Government shall withdraw this approval if, the enterprise/Industrial undertaking:—

(a) ceases to carry on infrastructure facility, or

(b) fails to maintain books of account and and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is—Power Generation Project at Basin Bridge, Chennai, Tamil Nadu for generation of 4x50 MW (200 MW) Diesel Engine power Station of M/s GMR Power Corporation Pvt. Ltd., Bangalore-560025 (F. No. 205/8/98 ITA.II-Vol.I)

[Notification No. 55/2002 F. No. 205/8/98 ITA II Vol.I]

SANGEETA GUPTA Director (ITA. II)

कार्यालय आयुक्त: केन्द्रीय उत्पाद एवं सीमाशुल्क

भोपाल, 14 फरवरी, 2002

सं. 01/2002

का.आ. 936.— श्री एस. के. उपाध्याय, अधीक्षक, समूह “ख” केन्द्रीय उत्पाद एवं सीमाशुल्क भोपाल आयुक्तालय, निर्वहन की आयु प्राप्त करने पर दिनांक 31-12-2001 को अपराह्न में शासकीय सेवा से निवृत्त हुए।

[फा.सं. 11(25)01/2000-स्था. I]

भीखू राम, अपर आयुक्त (कार्मिक एवं सतर्कता)

OFFICE OF THE COMMISSIONER CUSTOMS
& CENTRAL EXCISE

Bhopal, the 14th February, 2002

No. 01/2002

S.O. 936.—Shri S.K. Upadhyay, Superintendent, Group ‘B’ Central Excise & Customs Bhopal

Commissionerate having attained the age of superannuation, retired from Govt. service in the afternoon of 31st December, 2001.

[C.No. 11(25)01/2000/Estt.I]
BHIKHOO RAM, Additional Commissioner
(P&V)

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 28 फरवरी, 2002

का.आ. 937.—केन्द्रीय सरकार बीमा विनियामक एवं विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पी.ए. बालासुब्रामनियन को उक्त प्राधिकरण के पूर्णकालिक सदस्य के रूप में अथवा 62 वर्ष की उम्र प्राप्त होने तक यानि 31-5-2005 तक तत्काल प्रभाव से एतद्द्वारा नियुक्त करती है।

[फा.सं. 8(14)/99-बीमा-VI]

जी. भुजबल, निदेशक

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 28th February, 2002

S.O. 937.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) the Central Government hereby appoints Shri P.A. Balasubramanian, Executive Director as Whole-time Member of Insurance Regulatory and Development Authority till he attains the age of 62 years i.e. upto 31-5-2005.

[F.No. 8(14)/99-Ins. VI]

G. BHUJABAL, Director

(बैंकिंग प्रभाग)

नई दिल्ली, 18 फरवरी, 2002

का.आ. 938.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ख) की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारतीय औद्योगिक विकास बैंक के निदेशक मण्डल की सिफारिश पर श्री टी. एम. नागराजन, जो इस समय भारतीय औद्योगिक विकास बैंक के कार्यपालक निदेशक के रूप में कार्यरत हैं को उनके कार्यभार ग्रहण करने की तारीख से 30-9-2002 तक अथवा अगले आदेश तक, इनमें जो भी पहले हो, की अवधि के लिए भारतीय औद्योगिक विकास बैंक के पूर्णकालिक निदेशक (उप प्रबंध निदेशक के रूप में नामोद्दिष्ट) के रूप में नियुक्त करती है।

[फा. सं. 24(3)/2001-आईएफ-1]

एम.के. मल्होत्रा अवर सचिव

(Banking Division)

New Delhi, the 18th February, 2002

S.O. 938.—In exercise of powers conferred by clause (a) of sub-section (1) and sub-section (2) of Section 6 of the Industrial Development Bank of India Act, 1964 (18

of 1964), the Central Government, on the recommendation of the Board of Directors of Industrial Development Bank of India, hereby appoints Shri T. M. Nagarajan, presently Executive Director, Industrial Development Bank of India as a Wholtime Director (designated as Deputy Managing Director), Industrial Development Bank of India from the date of his taking charge of the post upto 30-9-2002 or until further orders, whichever event occurs earlier.

[F. No. 24(3)/2001-IF.1]

M. K. MALHOTRA, Under Secy.

नई दिल्ली, 1 मार्च, 2002

का.आ. 939.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3)(ज) एवं (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री नकुल सेन आनन्द, पूर्व-अध्यक्ष, जे. एंड के. स्टेट इंडस्ट्रियल कारपोरेशन एवं आनन्दविला, 10 केनाल रोड, जम्मू के निवासी को 1 मार्च, 2002 से तीन वर्ष की अवधि के लिये इलाहाबाद बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ.-I]

रमेश चन्द, अवर सचिव

New Delhi, the 1st March, 2002

S.O. 939.—In exercise of the powers conferred by Sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Nakul Sein Anand. Ex-Chairman, J&K State Industrial Corporation and resident of Anandvillla, 10 Canel Road, Jammu as part-time non-official director of Allahabad Bank for a period of three years commencing on 1st March, 2002.

[F.No. 9/17/2000-B.O-I.]

RAMESH CHAND, Under Secy.

भारी उद्योग एवं लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 11 फरवरी, 2002

का.आ. 940.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में निम्नलिखित कार्यालय जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:—

हिन्दुस्तान केबल्स लि.,

9, एलगीन रोड,

कोलकाता-700020

[सं. ई-11012/1/2001-हिन्दी]

जे. पी. शुक्ल, उप सचिव

**MINISTRY OF HEAVY INDUSTRY AND
PUBLIC ENTERPRISES**

(Department of Heavy Industry)

New Delhi, the 11th February, 2002

S.O. 940.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use For Official Purposes of The Union) Rules, 1976, the Central Government hereby notifies the following Office whereof more than 80% of staff have acquired the working knowledge of Hindi:—

Hindustan Cables Ltd.,
9, Elgin Road,
Kolkata-700 020.

[No. E.-11012/1/2001-Hindi]
J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 21 फरवरी, 2002

का.आ. 941.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में निम्नलिखित कार्यालय जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

एचएमटी लिमिटेड,
59, बेल्लारी रोड,
बंगलौर-560032

[सं. ई-11012/1/2001-हिन्दी]
जे. पी. शुकल, उप सचिव

New Delhi, the 21st February, 2002

S.O. 941.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use For Official Purpose of The Union) Rules, 1976 the Central Government hereby notifies the following Office whereof more than 80% of staff have acquired the working knowledge of Hindi :—

HMT Ltd.,
59 Bellary Road,
BANGALORE-560032.

[No. E.-11012/1/2001-Hindi]
J. P. SHUKLA, Dy. Secy.

विदेश मंत्रालय

(सी. पी. वी. प्रभाग)

नई दिल्ली, 26 फरवरी, 2002

का.आ. 942.—राजनीतिक कैमेली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास कुवैत में सर्वश्री रजनीश सहगल और अभिलाष कुमार सहायकों को 26-02-2002 से सहायक कैमेली-अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. -4330/1/2002]

योगेश नारंग, उप सचिव (कोल्लुगर)

MINISTRY OF EXTERNAL AFFAIRS
(C.P.V. Division)

New Delhi, the 26th February, 2002

S.O. 942.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Rajneesh Sehgal and Shri Abhilash Kumar, Asstt. in the Embassy of India, Kuwait to perform the duties of Assistant Consular Officers with effect from 26-02-2002.

[No. T.-4330/1/2002]

Y. C. NARANG, Dy. Secy. (Cons.)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 27 फरवरी, 2002

का.आ. 943.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में दूरदर्शन महा-निदेशालय के निम्नलिखित अधीनस्थ कार्यालयों (सूचना और प्रसारण मंत्रालय) को जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. दूरदर्शन अनुसूक्षण केन्द्र, धनबाद
2. दूरदर्शन अल्प शक्ति प्रेषित, उदयपुर
3. दूरदर्शन अल्प शक्ति प्रेषित, डूंगरपुर
4. दूरदर्शन अल्प शक्ति प्रेषित, बांसवाड़ा
5. दूरदर्शन अल्प शक्ति प्रेषित, सिरौही
6. दूरदर्शन अल्प शक्ति प्रेषित, माउंटआबू
7. दूरदर्शन अल्प शक्ति प्रेषित, नाथ द्वारा
8. दूरदर्शन अल्प शक्ति प्रेषित, सांगवाड़ा
9. दूरदर्शन अल्प शक्ति प्रेषित, वल्लभनगर
10. दूरदर्शन अल्प शक्ति प्रेषित, सलुम्बर
11. दूरदर्शन अल्प शक्ति प्रेषित, केसरियाजी
12. दूरदर्शन अल्प शक्ति प्रेषित, कुसलगढ़
13. दूरदर्शन अनुसूक्षण केन्द्र, हरिद्वार
14. दूरदर्शन अल्प शक्ति प्रेषित, हरिद्वार
15. दूरदर्शन अल्प शक्ति प्रेषित, कोटद्वार
16. दूरदर्शन अल्प शक्ति प्रेषित, यमुननगर
17. दूरदर्शन अल्प शक्ति प्रेषित, डाकपत्थर
18. दूरदर्शन अल्प शक्ति प्रेषित, कालागढ़
19. दूरदर्शन अनुसूक्षण केन्द्र, उत्तरकाशी
20. दूरदर्शन अल्प शक्ति प्रेषित, नई टिहरी
21. दूरदर्शन अनुसूक्षण केन्द्र, बरेली
22. दूरदर्शन अल्प शक्ति प्रेषित, शाहजहांपुर
23. दूरदर्शन अल्प शक्ति प्रेषित, पीलीभीत
24. दूरदर्शन अल्प शक्ति प्रेषित, पूरनपुर
25. दूरदर्शन अल्प शक्ति प्रेषित, टनकपुर
26. दूरदर्शन अल्प शक्ति प्रेषित, लखीमपुर खेरी

[सं. ई-11011/1/93-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 27th February, 2002

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 फरवरी, 2002

S.O. 943.—in pursuance of sub Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rule 1976, the Central Government hereby notify the following subordinate offices of Directorate General, Doordarshan (Ministry of Information & Broadcasting), the staff where of more than 80% have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Dhanbad.
2. Doordarshan Low Power Transmitter, Udaipur.
3. Doordarshan Low Power Transmitter, Durgapur.
4. Doordarshan Low Power Transmitter, Banswara.
5. Doordarshan Low Power Transmitter, Sorohi.
6. Doordarshan Low Power Transmitter, Mount Abu.
7. Doordarshan Low Power Transmitter, Nathdwara.
8. Doordarshan Low Power Transmitter, Sagwara.
9. Doordarshan Low Power Transmitter, Vallabh-nagar.
10. Doordarshan Low Power Transmitter Salumber.
11. Doordarshan Low Power Transmitter, Kesariyaji.
12. Doordarshan Low Power Transmitter, Kushalgarh.
13. Doordarshan Maintenance Centre, Haridwar.
14. Doordarshan Low Power Transmitter, Haridwar.
15. Doordarshan Low Power Transmitter, Kotdwar.
16. Doordarshan Low Power Transmitter, Yamuna Nagar.
17. Doordarshan Low Power Transmitter, Dak Pathar.
18. Doordarshan Low Power Transmitter, Kalagarh.
19. Doordarshan Maintenance Centre, Uttarkashi.
20. Doordarshan Low Power Transmitter, New Tihari.
21. Doordarshan Maintenance Centre, Bareilly.
22. Doordarshan Low Power Transmitter, Shahjahanpur.
23. Doordarshan Low Power Transmitter, Pilibhit.
24. Doordarshan Low Power Transmitter, Pooranpur.
25. Doordarshan Low Power Transmitter, Tanakpur.
26. Doordarshan Low Power Transmitter, Lakhimpur, kheri.

[No. E-11011/1/93-Hindi]

S.S. KATARIA, Director (Official Language)

का. सं. 944 — केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोदरा के आई. ए. एच. से मोतवान जी.जी. एस. तक पेट्रोलियम उत्पादों के परिवहन के लिये आयल एण्ड नेचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाये जाने का प्रस्ताव है, और जो इस अधिसूचना से सम्बन्धित अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आदेश की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिये उसके उपयोग के अधिकार के अर्जन के संबंध में सक्षम प्राधिकारी, आयल एण्ड नेचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेटिनेस डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

राज्य गुजरात जिला भरुच तालुका रोसोट

गांव	ब्लाक स	हे.	आर	सेन्टी
आकलवा	247	0	11	40
	248	0	10	75
	258	0	18	30
	263	0	13	68
	264	0	12	70
	265	0	16	50
	200	0	27	00

[फा.स. ओ.-12016/52/2001/ओ.एन.जी./डी-IV]

एन.सी. जाखुप, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 27th February, 2002

S. O. 944.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum

products from KIAH to Motwal GGS in State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land under which the said Pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification :

Now, therefore, if exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available for the general public, object in writing to the acquisition of the right of user therein for the laying pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

SCHEDULE

State : Gujarat District : Bharuch Taluka : Hansot

Village	Block No.	Hectare	Are	Centiare
ANKLWA	247	0	11	40
	248	0	10	75
	258	0	18	30
	263	0	13	68
	264	0	12	70
	265	0	16	50
	200	0	27	00

[F. No. O-12016/52/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 27 फरवरी, 2002

का.आ. 945.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जी एन सी ओ से जी जी एस 4 तक पेट्रोलियम उत्पादों के परिवहन के लिये आयल एण्ड नेचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिये।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस

भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन किया जाये।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिये उसके उपयोग के अधिकार के अर्जन के सम्बन्ध में सक्षम प्राधिकारी, आयल एण्ड नेचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेंटेनेंस डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा		
गांव	सर्वे नं.	हे.	आर.	सेन्टी.
अंभेल	154	0	10	79
	155	0	22	12
	161 ए-बी	0	40	30
	158	0	07	80
	340	0	13	78
	338	0	16	77
	344	0	14	43
	345	0	13	91
	347	0	28	34
	कार्ट ट्रैक	0	01	56
	122	0	19	63
	121	0	22	88
	112	0	34	45

[फा.सं. ओ.-12016/40/2001/ओ. एन. जी./डो.-IV]

एन. सी. जाखुप, अवसर सचिव

New Delhi, the 27th February, 2002

S. O. 945.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from GNCO to GGS IV in State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas, it appears, to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user

in the land under which the said Pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land). 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available for the general public, object in writing to the acquisition of the right of user therein for the laying of pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
AMBHEL	154	0	10	79
	155	0	22	12
	161/A-3	0	40	30
	158	0	07	80
	340	0	13	78
	338	0	16	77
	344	0	14	43
	345	0	13	91
	347	0	28	34
	Cart track	0	01	56
	122	0	19	63
	121	0	22	88
	112	0	34	45

[F. No. O-12016/42/2001/ONG/D-IV]
N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 946.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोदरा ई.पी.एस. से लिम्बोदरा जी.जी.एस. आई. तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कार्पोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कार्पोरेशन लि. कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

लिसोपरा ईपीएस-X से लिपोदरा सीजीएस-I तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात जिला मेहसाणा तालुका मानसा

गाँव	सर्वे नं.	हेक्टर	आरे	सेन्टीआर
1	2	3	4	5
मुबारकपुर	131	00	22	34
	130	00	35	28
	कार्ट ट्रेक	00	01	18
	138	00	09	41
	206	00	02	94
	कार्ट ट्रेक	00	01	18
	205	00	12	94
	204	00	14	70
	कार्ट ट्रेक	00	01	18
	200	00	17	64
	199	00	13	52
	198	00	15	29
	कार्ट ट्रेक	00	01	18

1	2	3	4	5
	184	00	24	11
	कार्ट ट्रैक	00	01	18
	188	00	27	05
	189	00	06	47

[फा.सं.ओ.-12016/14/2001/ओ.एन.जी. (डी-IV)]

एन.सी.जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 946.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Limbodra GGS-I in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire right of user therein :

Any person interested in the land described in the said Schedule in within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS-X to Limbodra GGS-I

State : Gujarat Dist. : Mehsana Taluka : Mansa

Village	Survey No.	Hectare	Are	Conti- aire
Mubarakpur	131	00	22	34
	130	00	35	28
	Cart track	00	01	18
	138	00	09	41
	206	00	02	94
	Cart track	00	01	18
	205	00	12	94
	204	00	14	70
	Cart track	00	01	18
	200	00	17	64
	199	00	13	52
	198	00	15	29
	Cart track	00	01	18
	184	00	24	11
	Cart track	00	01	18
	188	00	27	05
	189	00	06	47

[F. No. O-12016/14/2001/ONG/(D-IV)]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 947.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोदरा ई पी एस से लिम्बोदरा जी जी एस तक पेट्रोलियम उत्पादों के परिवहन के लिए आँखत एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन)

अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाईप लाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिबोदरा ईपीएस-10 से लिबोदरा जीजीएस-1 तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : मेहसाणा	तालुका : माणसा		
गांव	ब्लाक नं.	हेक्टर	आरे	सेन्टीआर
1	2	3	4	5
अलूवा	332	00	17	05
	329	00	15	88
कार्ट ट्रैक		00	01	76
328		00	08	23
327		00	11	76
324		00	11	17
कार्ट ट्रैक		00	01	70
323		00	14	11
321		00	04	70
320		00	04	11
319		00	03	53
318		00	03	53
317		00	03	53
360		00	14	70
365		00	11	17

1	2	3	4	5
	430	00	13	52
	388	00	11	76
	387	00	14	70
	कार्ट ट्रैक	00	01	76
	411	00	21	17
	कार्ट ट्रैक	00	01	76
	422	00	21	17
	423	00	48	82
	कार्ट ट्रैक	00	01	76
	453	00	36	46
	455	00	08	82

[फा.सं. ओ-12016/15/2001/ओ.एन.जी./डी-IV]

एन.सी. जाखुप, अवसर सचिव

New Delhi, the 28th February, 2002

S. O. 947.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Limbodra GGS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the

notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general Public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS-X to Limbodra GGS-I

State : Gujarat Dist : Mehsana Taluka : Mansa

Village	Block No.	Hectare	Acre	Centi-are
1	2	3	4	5
Aaluwa	332	00	17	05
	329	00	15	88
	Cart track	00	01	76
	328	00	08	23
	327	00	11	76
	324	00	11	17
	Cart track	00	01	70
	323	00	14	11
	321	00	04	70
	320	00	04	11
	319	00	03	53
	318	00	03	53
	317	00	03	53
	360	00	14	70
	365	00	11	17
	430	00	13	52
	388	00	11	76
	387	00	14	70
	Cart track	00	01	76
	411	00	21	17
Cart track	00	01	76	
	422	00	21	17
	423	00	48	82

1	2	3	4	5
	Cart track	00	01	76
	453	00	36	46
	455	00	08	82

[F. No. O-12016/15/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 948.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जी एन जे एस से जी जी एस IV तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बड़ोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

जीएनजेएस से जीजीएस IV तक पाइपलाइन बिछाने के लिए ।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक न.	हे.	आर	सेन्टी.
जणीयादरा	185	0	05	59
	180	0	11	96
	179	0	18	85

[फा.सं. ओ-12016/36/2001/ओ.एन.जी./डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 948.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from GNJS to GGS IV in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil

and Natural Gas Corporation, Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from GNJS to GGS IV.

State ; Gujarat District ; Bharuch Taluka ; Vagra

Village	Block No.	Hectare	Are	Centi-are
Janiyadra	185	0	05	59
	180	0	11	96
	179	0	18	85

[F. No. O-12016/36/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 949.—केन्द्रीय सरकार का कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जी एन एक्स एक्स से जी जी एस IV तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है ।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे

अनुसूची

जीएनएक्सएक्स से जीजीएस IV तक पाइप लाइन बिछाने के लिए ।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा		
गांव	ब्लॉक नं.	है.	आर.	सेन्टी.
अम्बेल	292	0	05	20
	293	0	06	76
	296	0	05	46
	295	0	16	64
	372	0	14	56
	380	0	05	85
	370	0	09	36
	368	0	13	52
	363/ए-बी	0	31	33
	367	0	27	30
	365	0	30	42
	14	0	02	47
	9	0	14	69
	13	0	05	46
	11	0	21	32
	19/ए-बी	0	07	67
	22	0	17	29
	कार्टट्रेक	0	06	50
	23	0	08	45
कार्टट्रेक	24	0	02	21
	87	0	17	68
	कार्टट्रेक	0	02	86
	81	0	25	74
	80	0	08	06

[फा.सं. ओ-12016/39/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 949.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from GNXX to GGS IV in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition

of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from GNXX to GGS IV.

State : Gujarat District - Bharuch Taluka : Vagra

Village	Block No.	Hectare	Area	Centi-are
Ambhel	292	0	05	20
	293	0	06	76
	296	0	05	46
	295	0	16	64
	372	0	14	56
	380	0	05	85
	370	0	09	36
	368	0	13	52
	363/A-B	0	31	33
	367	0	27	30
	365	0	30	42
	14	0	02	47
	9	0	14	69
	13	0	05	46
	11	0	21	32
	19/A-B	0	07	67
	22	0	01	29
	Cart track	0	08	50
	23	0	08	45
Cart track	24	0	02	21
	87	0	17	68
	कार्ट ट्रैक	0	02	86
	81	0	25	74
	80	0	08	06

[F. No. O-12016/39/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 950.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मोतवाल जी सी एस से टी प्वाइंट, उत्तरान तक पेट्रोलियम उत्पादों के परिवहन के लिए आंबेल एण्ड नैवरल गैस अर्रोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्राप्त प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कॉर्पोरेशन लि. कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

मोटवान जीसीएस से टी पाइन्ट तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात	जिला : सूरत	तालुका : हांसोट		
गांव	ब्लाक नं.	हे	आर	सेन्टी
आमोद	149	0	02	15
	146	0	20	00
	140	0	23	80
	141	0	15	00
	142	0	16	95
	120	0	10	00
	121	0	07	30
	122	0	06	95
	123	0	07	32
	114	0	14	64
	116	0	03	66
	115	0	12	80

[फा.सं. ओ-12016/42/2001/ओ एन जी/डी-IV]

एन.सी. जाखुप, अव्वर सचिव

New Delhi, the 28th February, 2002

S. O. 950.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Motwan GCS to 'T' Point, Utran in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition) of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority Oil and Natural Gas Corporation, Ltd., Construction and Maintenance Division, Makarpura F Road, Vadodara-390009.

SCHEDULE

Pipeline from Motwan GCS to T. Point.

State : Gujarat District : Surat Tanka : Hansot

Village	Block No.	Hectare	Are	Cent-are
Amod	149	0	02	15
	146	0	20	00
	140	0	23	80
	141	0	15	00
	142	0	16	95
	120	0	10	00
	121	0	07	30
	122	0	06	95
	123	0	07	32
	114	0	14	64
	116	0	03	66
	115	0	12	80

[F. No. O-12016/42/2001/ONG/D-IV]
N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 951:—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जी एन वाई एफ से दहेज जी जी एस तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एण्ड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

जीएनवाईएफ से. दहेज जीजीएस तक पाइपलाइन बिछाने के लिए।

राज्य गुजरात	जिला: भरूच	तालुका: वागरा		
गाँव	सर्वे सं.	हे.।	आर.	सेन्टी.
जोलवा	55	0	11	70
	कार्टट्रेक	0	01	56
	13	0	15	86
	14	0	47	58
	9/ए	0	41	34
	कार्टट्रेक	0	01	95
	352	0	23	01
	350/ए-बी	0	03	12

[फा.सं.ओ.-12016/43/2001/ओ.एन.जी./डी-IV]

एन.सी.जाखुप, अवर सचिव

New Delhi the 28th February, 2002

S. O. 951.—Whereas it appears to the Central Government that it is necessary in the

public interest that for the transportation of petroleum products from GNYF to Dahej GGS in the State of Gujarat a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from GNYF to Dahej GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Acre	Centi-are
Jolwa	55	0	11	70
	Cart track	0	01	56
	13	0	15	86
	14	0	47	58
	9/A	0	41	34
	Cart track	0	01	95
	352	0	23	01
	350/A-B	0	03	12

[F. No. O-12016/43/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 952.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जी एन सी ओ से जी जी एस IV तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एण्ड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जीएनसीओ से जीजीएस IV तक पाइपलाइन बिछाने के लिए।

राज्य गुजरात	जिला: भरुच	तालुका :	वाग्रा	
गाँव	सर्वे नं.	हे.	आर.	सेन्टी
लीमडी	199/ए-बी	0	03	50
	205	0	24	57
	208	0	05	20
	202	0	13	26

[फा.सं.ओ.-12016/46/2001/ओ.एन.जी./डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 952.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from GNCO to GGS IV in State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas, it appears, to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available for the general public, object in writing to the acquisition of the right of user therein for the laying of pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

SCHEDULE

Pipeline from GNCO to GGS IV.

State ; Gujarat District ; Bharuch Taluka - Vagra

Village	Survey No.	Hectare	Are	Centi-are
Limdi	199/A-B 0		03	50
	205	0	24	57
	208	0	05	20
	202	0	13	26

[F. No. O-12016/46/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ. 953:—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में आई के ए 1 से कठाना जी जी एस तरु पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हित-बद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एण्ड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

वाटर इंजेक्शन पाइप लाइन आईके. ए.-1 से जी.जी.एस. कथाना तक।

राज्य : गुजरात	जिला आनन्द	तालुका बोरसद		
गाँव	ब्लॉक नं.	हेक्टर	आरे	सेन्टी.आर
दिवेल	210	00	05	20
	151	00	96	00
	220	00	14	56
	223	00	12	48
	224	00	08	32
	228	00	09	36
	231	00	16	64
	232	00	08	32
	233	00	13	62

[फा.सं.ओ.-12016/55/2001/ओ.एन.जी./डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 953.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from IKA 1 to Kathana GGS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days

from the date on which the copies of the notification issued under Sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general Public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation, Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Water Injection Pipeline from IKA-I to GGS Kathana

State ; Gujarat Dist ; Anand Taluka ; Borsad

Village	Block No.	Hectare	Are	Centi-are
Divel	210	00	05	20
	151	00	96	00
	220	00	14	56
	223	00	12	48
	224	00	08	32
	228	00	09	36
	231	00	16	64
	232	00	08	32
	233	00	13	52

[F. No. O-12016/55/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ.954.—केन्द्रीय सरकार को कि लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में आइ के ए से कठाना जी जी एस तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में

उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. कन्स्ट्रक्शन एंड मेन्टेनेंस डिवीजन मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

वाटर इंजेक्शन पाईप लाईन आई.के.ए-1 से जी.जी.एस. कथाना तक
राज्य: गुजरात जिला: तालुका : बोरसद
आनन्द

गांव	ब्लाक नं.	हेक्टर	आरे	सेटी आर
दहेवान	1012	00	06	24
	1013	00	10	40
	कार्ट-ट्रैक	00	03	12
	1011	00	03	12
	1004	00	03	15
	1005	00	03	20
	1006	00	12	48
	1002	00	10	40
	1001	00	10	45
	1000	00	05	25
	899	00	05	25
	898	00	05	30
	897	00	06	10
	994	00	06	20
	993	00	07	28
	812	00	00	90
	813	00	07	50
	814	00	15	60
	796	00	07	25
	785	00	05	60
	784	00	12	48
	783	00	00	00
	782	00	00	50
	787	00	08	32
कनकपुरा	700	00	15	60
	790	00	19	76
	597	00	19	76
	598	00	11	70
	599	00	18	72

[फा. सं. ओ-12016/56/2001-ओएनजी/डी-IV]

एन. सी. जाखुप, अवर सचिव

New Delhi, the 28th February, 2002

S.O. 954.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from IKA 1 to Kathana GGS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road. Vadodara-390 009.

SCHEDULE

Water Injection Pipelines From IKA-I
To GGS-Kathana

State : Gujarat	Dist : Anand	Taluka : Borsad		
Village	Block No.	Hec- tare	Are	Cent- tiare
1	2	3	4	5
Dehwan	1012	00	06	24
	1013	00	10	40
	Cart-Track	00	03	12
	1011	00	03	12
	1004	00	03	15
	1005	00	03	20
	1006	00	12	48
	1002	00	10	40
	1001	00	10	45
	1000	00	05	25
	899	00	05	25
	898	00	05	30
	897	00	06	10
	99	00	06	20
	993	00	07	28
	812	00	00	90
	813	00	07	50

1	2	3	4	5
Dehwan	814	00	15	60
	796	00	07	25
	785	00	05	60
	784	00	12	48
	783	00	00	00
	782	00	00	50
	787	00	08	32
	700	00	15	60
	790	00	19	76
	597	00	19	76
	598	00	11	70
Kankapura	599	00	18	72

[F. No. O-12016/56/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ.955—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में के 21 से कथाना जी जी एम 1 तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधि-कार का अर्जन किया जाए ।

या, अथ, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है ।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना

की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इसीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. कन्स्ट्रक्शन एंड मेन्टेनेंस डिपोजन मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

वाटर इंजेक्शन पाइप लाईन के II से जी जी एस कथाना तक

राज्य : गुजरात जिला : आनंद तालुका : बोरसद

गांव	ब्लाक नं.	हेक्टर	आरे	सेंटी आर
1	2	3	4	5
दहेवान	1012	00	06	24
	1013	00	10	40
कार्ट-ट्रक	00	03	12	
	1011	00	03	12
	1004	00	03	15
	1005	00	03	20
	1006	00	12	48
	1002	00	10	40
	1001	00	10	45
	1000	00	05	25
	899	00	05	25
	898	00	05	30
	897	00	06	10
	994	00	06	20
	993	00	07	28
	812	00	00	90
	813	00	07	50
	814	00	15	60
	783	00	00	90

1	2	3	4	5
दहेवान	796	00	07	25
	785	00	05	60
	784	00	12	48
	782	00	00	50
	787	00	08	32
	700	00	15	60
	790	00	19	76
	597	00	19	76
	598	00	11	70
कनकपुरा	599	00	18	72
	233	00	03	20

[फा. सं. ओ.-12016/57/2001/ओएनजी/डी-IV]

एन. सी. जाखुप, भवर सचिव

New Delhi, the 28th February, 2002

S.O. 955.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from K21 to Kathana GGS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user there in;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

SCHEDULE

WATER INJECTION PIPELINES FROM K-21
TO GGS-KATHANA

State : Gujarat Dist : Anand Taluka : Borsad

Village	Block No.	Hec- tare	Are	Cent- tiare
1	2	3	4	5
Dehwan	1012	00	06	24
	1013	00	10	40
	Cart-Track	00	03	12
	1011	00	03	12
	1004	00	03	15
	1005	0	03	20
	1006	00	12	48
	1002	00	10	40
	1001	00	10	45
	1000	00	05	25
	899	00	05	25
	898	00	05	30
	897	00	06	10
	994	00	06	20
	993	00	07	28
	812	00	00	90
	813	00	07	50
	814	00	15	60
	783	00	00	90
	796	00	07	25
	785	00	05	60
	784	00	12	48
	782	00	00	50
	787	00	08	32
	700	00	15	60
	790	00	19	76
	597	00	19	76
	598	00	11	70
Kankapura	599	00	18	72
	233	00	03	20

[F. No.O-12016/57/2001/ONG/D-IV]

N. L. ZAKHUP, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

New Delhi, the 28th February, 2002

का.आ. 956.—केन्द्रीय सरकार को कि लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जीजीएस III से जीजीएस I एवं जीजीएस V से जीजीएस I तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइप लाइन बिछाई जानी चाहिए।

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइप लाइन बिछाने के संबंध में उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. कन्स्ट्रक्शन एंड मेंटिनेंस डिबिजन, मकरपुरा रोड, बडोदरा-390 009 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

12 इंच डायमिटर पी. जी. पाइप लाइन गंधार जीजीएस-3 से गंधार जीजीएस-1 और जीजीएस-4 से जीजीएस-1 तक

राज्य: गुजरात	जिला:	भरुच	तालुका	वाघा
गांव	ब्लॉक नं.	हेक्टर	आरे	सेंटी आरे
गंधार	322 (सरकारी भूमि)	02	49	48
	321 (सरकारी भूमि)	04	15	80

[फा. सं. ओ.-12016/60/2001/ओएन जी/डी-IV]

एन. सी. जाखुप, अवर सचिव

S.O. 956.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Gandhar GGS III to GGS I and GGS V to GGS I in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390 009.

SCHEDULE

12" DIA L.P.G. PIPELINE FROM GANDHAR GGS-III TO GANDHAR GGS-I & GGS-V TO GGS-I.

State: Gujarat Dist. : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centare
1	2	3	4	5
Gandhar	322 (Govt. Land)	02	49	48
	321 (Govt. Land)	04	15	80

[F.No. O-12016/60/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 11 मार्च, 2002

का. आ. 957.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जिला सूरत, तालुका चौरासी के गाँव मोरा से जिला सूरत के गाँव उत्रान तक प्राकृतिक गैस के परिवहन के लिए गुजरात स्टेट पेट्रोलियम कॉर्पोरेशन लिमिटेड, गाँधीनगर द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में सक्षम प्राधिकारी, गुजरात स्टेट पेट्रोलियम कॉर्पोरेशन लिमिटेड, ब्लॉक नं० 15, दूसरी मंजिल, उद्योग भवन, सेक्टर नं० 11, गाँधीनगर 382011 गुजरात को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिल्हा : सुरत				राज्य : गुजरात		
तालुका का नाम	गोंव का नाम	सर्वेक्षण स. खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
				हेक्टर	आर	सेन्टीआर
1	2	3	4	5	6	7
चौरासि	लिम्ला	138 **		00	17	70
		141 **		00	10	05
		142 **		00	01	10
	डमका	443 **		00	10	07
		444 **		00	19	15
		442		00	00	40
	इच्छापुर	695 **		00	04	80
		698 **		00	09	05
		716 **		00	15	14
		733 **		00	02	94
		735 **		00	05	37
		300 **		00	14	70
		798 **		00	10	24
		891 **		00	02	40
		924 **		00	23	10
		925 **		00	05	10
	जहांगीरपुरा	65		00	01	59
	वरियाव	1240 *		00	01	88
	कोसाड	164		00	02	80
		162 **		00	04	75
		158		00	08	39
		160		00	07	37
		147		00	24	62
		143		00	03	00
		747 *	1	00	14	26
		32 *		00	01	40
		43 *		00	06	00
		250 *		00	02	44
		249 *		00	11	44
		240 *		00	04	02
		220 *		00	11	96
		239 *		00	02	41
		238 *		00	04	58
		29 *		00	05	39

1	2	3	4	5	6	7
क्र म श...	कोसाड	1086 *		00	05	43
	उत्रान	81 **		00	04	89

*अतिरिक्त क्षेत्रफल पिछली अधिसूचना का. आ. 907 तारिख 02.05.2001 में शामिल नहीं था।

**अतिरिक्त क्षेत्रफल पिछली अधिसूचना का. आ. 2531 तारिख 19.09.2001 में शामिल नहीं था।

[फा. सं. एल.-14014/4/99-जी. पी. (भाग-IV)]

स्वामी सिंह, निदेशक

New Delhi, the 11th March, 2002

S. O. 957.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas in the State of Gujarat from Village Mora, Taluka Chourasi, Dist. Surat to Village Utran, Dist. Surat, pipelines should be laid by the Gujarat State Petroleum Corporation Limited;

And, whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now therefore, in exercise of the powers conferred by sub-section(1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the lands described in the said Schedule may within twenty-one days from the date of which the copies of the notification, as published in the Official Gazette , are made available to the general public object in writing to the acquisition of right of user therein or laying of the pipelines under the land to The Competent Authority, Gujarat State Petroleum Corporation Limited, Block No.15, 2nd floor, Udyog Bhawan, Sector No.11, Gandhinagar-382 011, Gujarat.

Schedule

District : Surat				State : Gujarat		
Name of Taluka	Name of Village	Survey/Block No.	Sub-Division No.	Area		
				Hec	Are	Centiare
1	2	3	4	5	6	7
Chourasi	Limla	138 **		00	17	70
		141 **		00	10	05
		142 **		00	01	10
	Damka	443 **		00	10	07
		444 **		00	19	15
		442		00	00	40
	Ichhapor	695 **		00	04	80
		698 **		00	09	05
		716 **		00	15	14
		733 **		00	02	94
		735 **		00	05	37
		800 **		00	14	70
		798 **		00	10	24
		891 **		00	02	40
		924 **		00	23	10
		925 **		00	05	10
	Jahangirpura	65		00	01	59
	Variav	1240 *		00	01	88
	Kosad	164		00	02	80
		162 **		00	04	75
		158		00	08	39
		160		00	07	37
		147		00	24	62
		143		00	03	00
		747 *	1	00	14	26
		32 *		00	01	40
		43 *		00	06	00
		250 *		00	02	44
		249 *		00	11	44
		240 *		00	04	02
		220 *		00	11	96
		239 *		00	02	41
		238 *		00	04	58
		29 *		00	05	39

1	2	3	4	5	6	7
Cont....	Kosad	1086 *		00	05	43
	Utran	81 **		00	04	89

* Additional area not covered in the earlier notification vide S.O. No. 907 dtd. 02.05.2001

** Additional area not covered in the earlier notification vide S.O. No. 2531 dtd. 19.09.2001

[No. L-14014/4/99-GP (Part-IV)]

SWAMI SINGH, Director

नई दिल्ली, 11 मार्च, 2002

का. आ. 958.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तंभ (1) में उल्लिखित व्यक्तियों को, उक्त अनुसूची के स्तंभ (2) में वर्णित क्षेत्रों की बाबत महाराष्ट्र राज्य में अवस्थित विभिन्न उपभोक्ताओं को वितरण के लिए गोवा के उत्तरी और दक्षिणी समुद्र-तट और आन्ध्र-प्रदेश की सरंचनाओं में मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड (जी. टी. आई. सी. एल.) द्वारा, जिसका रजिस्ट्रीकृत कार्यालय आर. पी. एल. हाउस, तीसरा तल, 15, वालचंद हीराचन्द मार्ग, बालार्ड इस्टेट, मुम्बई-400038 में है, उसकी संवर्धन कंपनी अर्थात् मैसर्स रिलायंस इण्डस्ट्रीज लिमिटेड के खोज-ब्लाकों में उत्पादित प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

सारिणी

	व्यक्तियों के नाम और पते	अधिकारिता का क्षेत्र
	(1)	(2)
1.	श्री एस. डी. भिसे, सेवानिवृत्त उप-कलेक्टर, महाराष्ट्र राजस्व विभाग, महाराष्ट्र सरकार, मार्फत मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड, आर. पी. एल. हाउस, तीसरा तल, 15 वालचन्द हीराचन्द्र मार्ग, बालार्ड इस्टेट, मुम्बई-400038	महाराष्ट्र राज्य के सिन्धुदुर्ग, कोल्हापुर, सोलापुर और सांगली जिले।

	(1)	(2)
1.	श्री डी. एस. धोत्रे, सेवानिवृत्त उप-कलेक्टर, महाराष्ट्र राजस्व विभाग, महाराष्ट्र सरकार, मार्फत मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड, आर. पी. एल. हाउस, तीसरा तल, 15 वालचन्द हीराचन्द्र मार्ग, बालार्ड इस्टेट, मुम्बई-400038	महाराष्ट्र राज्य के सिन्धुदुर्ग, कोल्हापुर, सोलापुर और सांगली जिले।

[फा. सं. एल.-14014/9/01-जी. पी.]

स्वामी सिंह, निदेशक

New Delhi, the 11th March, 2002

S. O. 958.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorise the persons mentioned in column (1) of the Table given below to perform the functions of the competent authority under the said Act for laying of the pipeline by M/s Gas Transportation and Infrastructure Company Limited (GTICL) having its registered office at R.P.L. House, 3rd Floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038 for transportation of natural gas produced in the exploration blocks of its promoter company, namely, M/s Reliance Industries Limited in Northern and Southern offshore of Goa and structures in Andhra Pradesh for distribution to various consumers located in the State of Maharashtra in respect of the areas mentioned in column (2) of the said Table.

‘Table’

Name and Address of the persons	Area of jurisdiction
(1)	(2)
(1) Shri S.D.Bhise, Retired Deputy Collector of Maharashtra Revenue Department, Government of Maharashtra, C/o M/s Gas Transportation and Infrastructure Company Limited, R.P.L. House, 3 rd floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038.	Districts of Sindhudurg, Kolhapur, Solapur and Sangli of Maharashtra State/
(2) Shri D.S.Dhotre, Retired Deputy Collector of Maharashtra Revenue Department, Government of Maharashtra, C/o M/s Gas Transportation and Infrastructure Company Limited, R.P.L. House, 3 rd floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038.	Districts of Sindhudurg, Kolhapur, Solapur and Sangli of Maharashtra State.

[No. L-14014/9/01-GP]
SWAMI SINGH, Director

नई दिल्ली, 13 मार्च, 2002

का. आ. 959.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड के आन्ध्र प्रदेश में गोवा के उत्तरी / दक्षिणी अपतट में स्थित खोज ब्लॉकों और संस्थापनों से कर्नाटक राज्य के गुलबर्गा जिले में विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एम. लक्ष्मीनारायण, सक्षम प्राधिकारी, जी० टी० आई० सी० एल० पाइपलाइन परियोजना, उपायुक्त कार्यालय, विकास भवन, गुलबर्गा 585 101 को लिखित रूप में आक्षेप भेज सकेगा ।

2 अनुसूची							
तालुका आळंद		जिला गुलबर्गा			राज्य कर्नाटक		
अ. क.	गाव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
1	कामनहळी	47	1/1				
			1/2		0	58	80
			2		0	27	10
			3		0	34	70
		42	1		0	24	30
			2		0	1	60
			3		0	5	50
			7		0	24	20
			8/1				
			8/2		0	16	0
			9/1				
			9/2		0	17	20
			11		0	20	70
			10		0	0	40
		39	1				
			2A				
			2B				
			2C				
			2D				
			3		1	13	40
		32	1/1/1				
			1/1/2				
			1/2		0	33	90
			2		0	24	90
		31	2A				
			2B		0	35	10
			1		0	25	80
		69	2		0	0	10
	रास्ता	सर्वे नं 69/2 और 69/1 के बीच में			0	4	40
	69		1		0	0	70
	68		1				
			2		0	42	90
	3				0	51	90
	2		1		0	39	80
	7		A				
			B				
			C				
			D				
			E				
			F				
			G		0	97	70

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
2	कामनहल्ली	6	1/1				
			1/2		0	34	20
		9	4		0	16	90
			3/1				
			3/2		0	11	70
			2		0	15	50
			1		0	5	40
			7		0	0	70
			6/1				
			6/2		0	5	80
			5		0	16	30
			10/1				
			10/2		0	43	80
			11		0	11	50
		10	4/3		0	20	80
	साकर्गा	54	3		0	98	60
			1-1		0	39	90
			2		0	8	50
		55	1		0	30	20
			2A				
			2B		0	56	90
		56	1A				
			1B				
			1C				
			1D		0	77	0
			2A		0	30	0
		58	1A				
			1A2				
			1A3				
			1A				
			2A				
		69	2B		0	65	30
			A				
			B				
			C				
			D		0	69	80
		71			0	22	0
		81	1		0	23	60
			2		0	14	70
			3		0	14	60
			4		0	15	70
		82	1A				

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क्र	गाव का नाम	सर्वे नं	हिस्सा नं	गट न	क्षेत्र		
					हेक्टर	आर	सेंटीआर
1	2	3	4	5	6	7	8
	साकर्गा		1B				
			2				
			3		0	12	80
		80	A				
			B				
			C				
			D		1	6	50
		79	3		0	31	90
		6	A				
			B		0	78	50
		7	2A				
			2B		0	7	90
			4		0	19	10
			5		0	17	40
		8	6		0	26	90
			7A				
			7B2		0	19	40
			8		0	22	80
		9	1		0	52	20
			2A				
			2B				
			2C				
			2D				
			2B		0	45	0
	रास्ता		सर्वे न 9/2 मे		0	6	20
	18				0	87	0
	19		A				
			B				
			C				
			D				
			E		0	17	70
3	सावळेश्वर	184	15		0	27	50
			13		0	35	10
			11		0	8	60
			14		0	10	60
			12		0	44	50
			10		0	5	0
	नाला		सर्वे न 184 और 175 के बीच मे		0	10	30
	175		3		0	3	30
			8		0	2	0
			7		0	5	60

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गाव का नाम	सर्वे न	हिस्सा नं	गट न	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
	सावळेश्वर	174	3		0	0	60
			1A				
			1B		0	43	60
		187	A				
			B				
			C		0	49	40
		188	A				
			B		0	61	60
		4			0	34	10
		3	1		0	50	10
			2A				
			2B		0	20	0
		16	3		0	38	80
			2		0	26	50
		18	3		0	38	70
			4		0	29	90
		20	2		0	63	50
	नाला	सर्वे नं 20 और 23 के बीच में			0	8	0
	23		1				
			2				
			3				
			4				
			5				
			6				
			7		0	53	60
		24	1		0	30	20
			3		0	41	0
	रास्ता	सर्वे नं 24 और 43 के बीच में			0	4	10
	43				1	38	30
	47		1		0	32	60
	46		1				
			2				
			3				
			4				
			5				
			6				
			7				
			8				
			9				
			10				

तालुका आळंद			जिला गुलबर्गा		राज्य कर्नाटक		
अ. क्र	गाव का नाम	सर्वे न	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टर	आर	सेंटीआर
4	खानापुर	सावळेश्वर	11		0	36	40
		44	A				
			B				
			C		0	50	70
		रास्ता	सर्वे नं 44 मे		0	8	90
		45	A				
			B				
			C		0	71	70
		71	1A				
			1B				
			1C				
			1D		1	43	80
		75	2		0	0	70
			1A				
			1B		0	10	60
		76	2A				
			2B		0	10	20
			1		0	8	80
		77	A				
			B				
			C		0	29	40
		78	A				
			B		0	53	20
		79			0	25	70
		80	2		0	22	70
		81	1A				
			1B		0	22	30
			2A				
			2B				
			2C		0	19	10
			3		0	4	40
		84	1A				
			1B				
			B				
			3		0	18	70
		रास्ता	सर्वे न 84 और 83 के बीच मे		0	3	80
		83	1		0	54	50
			2A				
			2B				
			2C		0	59	70

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गांव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	8
	खानापुर	42	1A				
			1B		0	60	50
			2		0	6	70
	गाडी रास्ता		सर्वे न 42 और 35 के बीच में		0	9	30
	37				0	26	30
	40		A				
			B				
			C		0	46	80
	38		1				
			2A				
			2B				
			2C		0	95	60
	39		1		0	18	10
	34		8		0	25	0
			9		0	22	40
			6		0	25	50
	33		3A				
			3B				
			3C		0	2	80
			2		0	78	80
			1A+C				
			1B		F	45	80
	नाला		सर्वे न 33 और जीरहल्ली गांव के सीमा के बीच में		0	9	40
5	जीरहल्ली	नाला			0	10	90
		37	1		1	35	20
		41	1/1				
			1/2		0	25	50
6	हेबली	68	2		0	57	70
		53	2A				
			2B				
			2C				
			2D		0	57	70
			1		0	51	40
	51		2		0	74	80
			1		0	9	30
	50		2		0	21	0
			1A				
			1B		0	77	90
	नाला		सर्वे न 50 और 45 के बीच में		0	12	80
	45				0	18	90
	48		1		0	8	90

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
	हेबळी	47	1		0	27	90
			2A				
			2B		0	29	50
		43	A				
			B				
			C		0	49	90
		40	A				
			B				
			C				
			D		0	78	80
		39			0	68	20
		36			1	5	80
7	आळंद	445	1				
			1A				
			1B				
			1C				
			1D				
			1E				
			2A				
			2B				
			2C				
			2D		0	91	30
		444	A				
			AA		0	42	60
		443	1/A				
			1/B				
			1/C				
			1/D				
			2/A				
			2/B				
			2/C		0	58	90
	रास्ता	सर्वे नं 443 और 353 के बीच में			0	7	0
	353		1				
			2/1				
			2/2		0	77	60
	351		2/1/A				
			2/1/B				
			2/1/C				
			2/1/D		0	60	30
	352		2		0	8	10
	355		1A				

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क्र.	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
	आळंद		1B				
			2				
			3				
			4/A				
			4/B		0	59	90
		357					
			2/1				
			2/2				
			2/3				
			2/4				
			2/5				
			2/6				
			2/7				
			2/8				
			2/9		1	4	30
		366	5		0	22	10
			1A				
			1B				
			1C				
			1D		0	53	80
		359	A				
			2B		0	8	30
		363			0	0	30
		360	1A				
			1B				
			1C		0	33	90
			2A				
			2B				
			2C				
			2D		0	30	90
		361			0	86	90
		362	1		0	33	80
	गाडी रास्ता	सर्वे नं 362 और 239 के बीच में			0	7	30
	239		1				
			2		0	76	40
	238		1				
			1A				
			2		0	91	20
	237				0	46	20
	236		A				
			B				

तालुका आळद			जिला गुलबर्गा	राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा नं	गट न	क्षेत्र		
					हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	8
	आळद		B/B				
			B/A				
			C				
			D				
			E		0	38	70
	रास्ता		सर्वे न 236 मे		0	5	60
	236		2		0	14	50
	254		A				
			B				
			C				
			D		0	81	50
	रास्ता		सर्वे नं 254,255 और 236 के बीच मे		0	9	40
	255		1				
			2				
			3				
			4A		0	6	0
	258		1				
			2				
			3		0	1	10
	259				0	98	70
	260		1A				
			2B				
			2C				
			D				
			E				
			F				
			2		0	52	30
	276		3		0	12	70
			2		1	3	70
	267		B				
			A		0	56	30
	268						
	268		A		0	20	60
	266		1/B				
			2/A				
			2/B				
			1/A		0	94	70
	265		A				
			B				
			C				
			B/1		0	6	0

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क्र.	गांव का नाम	सर्वे न.	हिस्सा न.	गट न.	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	10
	आळंद	269					
		269	A		0	49	0
		रास्ता	सर्वे नं 269 और 265 के बीच में		0	8	40
		206	A				
			B				
			B/A				
			B/B		1	37	40
		176					
			A		1	16	30
		174	1				
			2/A-1				
			2/A-2				
			2/A-3				
			2/B		0	55	70
		177	1		0	72	60
			2A				
			2B		0	63	80
		178	A				
			B				
			C				
			D				
			E		0	80	0
		179			0	74	30
		182	1A				
			1A-A				
			1B				
			2				
			2A		0	33	50
		181	A				
			B				
			C		1	17	70
8	किष्णीसुल्तान	70	15A				
			15B		0	2	80
			16A				
			16B				
			16C		0	23	20
		69	8		0	12	40
			10		0	9	20
			12		0	8	60
			17		0	8	80
			18		0	7	60
			19		0	8	10

तालुका आळद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गाव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	10
9	होन्हळी	रास्ता	नं 87 और किष्णीसुल्तान गाव के सीमा के बीच मे		0	2	90
		87			0	42	70
		3	A				
			B1				
			B2				
			B3		0	45	70
		2	1		0	67	70
		1	A				
			B		0	55	30
		7	2		0	63	90
		10	1		0	12	20
			3		0	7	20
			2		0	61	40
		11	2A				
			2/B		0	26	20
		13	1-A1				
			1-A2				
			1-B				
			1-C1				
			1-C2				
			1-4D				
			1-E				
			1-F1				
			1-F2				
			2		0	68	60
		14	3		0	46	6
			2A				
			2B		0	30	30
		15	1A-1				
			1A-2				
			1-B+2-2				
		15	2-1				
			1-C		0	57	10
		29	1-A				
			1-B				
			1-C				
			1-D				
			2				
			3-A				
			3-B				
			3-C				
			3-D				

तालुका आळद			जिला गुलबर्गा	राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टेर	आर	सेंटीआर
1	2	3	4	5	6	7	10
10	तडकल	30	4-1				
			4-2A				
			4-2B				
			4-2C				
			4-2D		1	9	0
		1128	A		0	7	0
			B				
		1127			0	33	60
		रास्ता	सर्वे नं 1127 और 1126 के बीच में		0	13	90
		1126			0	10	80
		1125			0	14	80
		1122			0	33	90
		1124			0	7	80
			A				
			B				
			C		0	37	80
		नाला	सर्वे नं 1124 और 1110 के बीच में		0	8	30
		1110	A1				
			A2				
			B1				
			B2				
		1097	C		1	0	60
			A				
			B		0	39	90
		1095			0	44	10
		1094			0	3	0
		1092	A				
			B		0	21	10
		1091	A1				
			A2				
			B				
		1083	C		0	31	40
			A				
			B				
		1084	C		0	64	20
			A				
			B				
			C				
			D		0	36	40
		1062	A				
			B		0	32	70
		1061	A				

तालुका आळंद			जिला गुलबर्गा	राज्य कर्नाटक			
अ. क.	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेटीआर
	तडकल		B		0	0	80
		1064			0	60	10
	गाडी रास्ता	सर्वे नं 1064 और 1058 के बीच में			0	11	0
		1058			0	21	90
		1057			0	22	60
		1056	A				
			B		0	80	60
		1055	A				
			B				
			C				
			D		0	62	0
		1000	A				
			B		1	4	20
		994			1	71	70
		993	A				
			B				
			C				
			D				
			E		0	10	90
		966	A				
			B		0	54	0
		968	A				
			B				
			C		0	24	10
	रास्ता	सर्वे नं 956 और 968 के बीच में			0	7	50
		956	A1				
			A2				
			B		0	61	60
		958			0	76	0
		952	A				
			B				
			C				
			D				
			E				
			F		0	39	70
		840	A				
			B1				
			B2		0	42	70
		841			0	5	70
		842	A				
			B1				
			B2		0	81	30

तालुका आळद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	10
	तडकल	843			0	56	40
		936	A1				
			A2				
			B-1				
			B-2				
			C				
			D2		0	23	90
		901			0	0	40
		902			0	3	80
		903			0	7	90
		904			0	12	70
		905			0	28	20
		906			0	8	30
		897	B2				
			A				
			B1		0	41	0
		907			0	1	10
		883			0	0	40
		884			0	9	80
		885			0	9	0
		886			0	15	60
		874			0	1	30
		873			0	16	30
		872			0	23	20
		871			0	16	60
		865	A				
			B		0	0	40
		870			0	1	50
		867	A1				
			A2				
			B1				
			B2		0	69	50
		866	A1				
			B				
			B2		0	23	50
		915	A				
			B		0	0	40
		916			0	27	30
		917			0	33	60
	रास्ता		सर्वे न 803 और 917 के बीच में		0	10	70
	803				0	14	10
	799		A				

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
					हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	10
	तडकल		B		0	37	10
		798	A				
			B		0	55	30
		789	A				
			B		0	43	0
		790	A/2				
			B				
			B/1		0	32	70
		797	A				
			B		0	1	80
	रास्ता	सर्वे नं 790, 797 और 791 के बीच में			0	3	60
	791A		A				
			B-1				
			B-2		0	59	10
		772			0	42	20
		771			0	13	40
		769	B				
			A		0	49	60
		768	A				
			B-1				
			C		0	63	40
		699	A				
			B				
			C		0	0	70
		700			0	8	70
		740	A/B/C		0	9	30
		701	A		0	26	50
		713			0	65	70
		714			0	92	10
		736	A				
			B				
			C		0	28	90
		735	A-1				
			A-2				
			B		0	35	80
		720	A				
			B				
			C		0	56	50
		732	A				
			B				
			C		0	27	10
		731			0	41	40

तालुका आळद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क्र	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेटीआर
	तडकल	725			0	32	40
		724	A-1				
			A/1-A				
			A2				
			A/B				
			B/1				
			B/2				
			C-1				
			C-2				
			D		0	90	10
11	नागलगांव	19	2				
			1		0	8	40
		18			0	44	20
		17	1				
			2				
			3		0	58	80
		16	1				
			2				
			2/2				
			2/4				
			3				
			4/1				
			4/2				
			4/3				
			4/4				
			2/3		0	86	20
		13	1				
			2/1				
			2/2		0	36	70
		12	1				
			2/1				
			2/2		0	44	20
		11			0	53	40
		10			0	50	60
12	सनगुंदा	55	A				
			B				
			C		0	10	80
		56	A				
			B				
			C				
			D		0	67	70
		57	1		0	35	20

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा नं	पट न	क्षेत्र		
					हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	10
	सनगुदा		2		0	51	80
		57	3A				
			3B		0	53	0
		58	1A				
			1B				
			1C				
			1E				
			1F				
			1G				
			1H				
			1I				
			1J		0	71	0
		79	A				
			B				
			C				
			D		0	96	40
	रास्ता		सर्वे नं 78 और 79 के बीच में		0	6	20
	78				0	40	80
	83		A				
			B				
			C				
			D				
			E				
			F		0	82	20
	रास्ता		सर्वे नं 83 में		0	3	70
	85		2		0	55	20
			1		0	23	10
	86		A				
			B		0	59	0
	6		3		0	16	20
			4		0	15	80
	7		1		0	9	30
			2		0	13	60
			3		0	11	0
	19		1		0	4	60
	18		1A				
			1B				
			1C				
			1D				
			1E				
			1F				
			1G		1	94	60

तालुका आळद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क्र.	गाव का नाम	सर्वे नं.	हिस्सा नं.	गट नं.	क्षेत्र		
1	2	3	4	5	हेक्टर	आर	सेटीआर
13	सनगुंदा	18	2		0	1	90
		नदी	सर्वे नं 18/1 और 18/2 के बीच में		0	16	50
		18	3		0	9	10
		9	6		0	8	60
			5		0	36	20
			4		0	22	60
			1		0	32	70
			2		0	74	40
		11	1				
			2		1	27	60
		12	1				
			2		1	23	7
14	बेळमगी	210	A				
			B				
			C				
			D		0	96	90
		192	A				
			B				
			C				
			D				
			E				
			F				
			G				
			H		1	56	10
		191/1A	1A		0	34	50
		191/2	2				
		191/3	3				
		191/4	4				
		191/5	5				
		193	A				
			B				
			K				
			D				
			U				
			N		0	4	80
		188	1A				
			1B		0	14	90
			3		0	36	20
			5		0	35	90
			7		0	22	90

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गांव का नाम	सर्वे नं	हिस्सा न	गट न	क्षेत्र		
1	2	3	4	5	हेक्टर	आर	सेटीआर
	बेळमगी		6		0	10	40
			8		0	34	30
			9A				
			9A1				
			9B		0	25	20
			10A		0	5	60
			10B				
		187	7A				
			7B				
			7C		0	15	90
		186/3	3		0	61	0
			2A				
			2B		0	10	40
			4		0	3	30
		185	2		0	66	40
		183	A				
			B				
			C				
			D				
			E				
			F		0	99	10
		177	1A				
			1B		0	35	80
		177	2A				
			2B		0	55	10
		175	3		0	5	90
			4		0	22	30
15	वि.के.सलगर	322	A				
			B				
			C				
			D				
			E				
			F		1	69	40
		323	2A				
			2B		0	44	90
			1		0	40	20
		327	A				
			B				
			C				
			D				
			E				
			F		0	65	0

तालुका आळद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
1	2	3	4	5	हेक्टेर	आर	सेंटीआर
	वि के सलगर	326	A				
			B		0	6	80
		325	1A				
			1B				
			1C				
			1D		0	70	30
		339			0	73	30
		313	A				
			B				
			C				
			D				
			E		1	26	0
		312	A				
			B		1	24	20
		342			0	6	30
	रास्ता	सर्वे नं 293 और 342 के बीच में			0	10	0
	293		A		0	0	10
			B		0	74	30
	290		1A				
			1B				
			1C				
			1D		1	8	50
	289				0	0	40
	286		1A				
			1B		1	6	70
	गाडी रास्ता	सर्वे नं 286 और 65 के बीच में			0	5	90
	65		A				
			B		0	60	50
	67		A				
			B		0	53	50
	68		1				
			2				
			3				
	68		4				
			5				
			6				
			7				
			8		0	76	90
	69		A				
			B				
			C		0	90	30
	रास्ता	सर्वे नं 90 और 69 के बीच में			0	6	20

तालुका आकृद		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट नं	हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	10
	वि के सलगर	90	A				
			B		0	47	90
		91	1+2		0	3	20
			3A		0	81	90
			4		0	33	70
		92	1		0	12	10
			2A				
			2B				
			2C				
			2D				
			2E				
			2F		0	90	0
		93			0	78	0
		134	1		0	80	50
			2		0	61	50
			3		0	0	40
		135	1		0	0	30
			2A				
			2B				
			2C				
			2D		0	87	90
			3		0	43	80
		131	3		0	91	20
			4A				
			4B				
			4C		0	50	0
16	लेगटी	73	4		0	10	40
			1		0	20	0
			2		0	17	50
			3		0	14	0
	रास्ता		सर्वे न 73 और 72 के बीच में		0	6	90
	72		1		0	38	90
	57		A				
			B				
			C				
			D				
			E				
			EE				
			F		0	74	40
		58	1				
			2				
			3		0	43	30

तालुका आळंद		जिला गुलबर्गा			राज्य कर्नाटक		
अ. क्र	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
1	2	3	4	5	हेक्टर	आर	सेटीआर
	लेगटी		19				
		63	A				
			AA				
			E				
			EE		0	39	1
		62			0	60	90
		60			0	2	0
		41	1		0	55	0
			2		0	24	90
			3		0	6	70
			5		0	7	50
			4		0	37	70
		39	1				
			2				
			3				
			4				
			5				
			6		0	40	20
		42	2		0	27	80
			3		0	48	20
		43	1		0	4	30
		42	4		0	1	80
		43	3		0	60	90
		45	3		0	0	60
		46	3		0	4	80
			4		0	31	0
	नदी	सर्वे न 46 और 31 के बीच में			0	9	50
	31		3		0	23	80
			2				
			2A				
			2AA				
			2E				
			2EE		0	47	50
		32			0	67	90
		33					
			AB				
			C		0	62	30
		34			0	32	30
		35			0	1	20
		25	6		0	70	30
		24			0	2	30
17	लाडमोगली	17	A				
			B				

तालुका आळंद		जिला गुलबर्गा		राज्य कर्नाटक			
अ	क	गांव का नाम	सर्वे न	हिस्सा न	गट नं	क्षेत्र	
						हेक्टेर	आर
1	2	3	4	5	6	7	सेटीआर
		लाडमोगळी	2		1	16	0
		18			0	44	40
		25	A				
			B				
			C		1	31	50
		26			0	41	50
		27	1		0	33	70
			2		0	26	50
			3		0	0	40

[फा. सं. एल.-14014/16/02-जी. पी.]

स्वामी सिंह, निदेशक

New Delhi, the 13th March, 2002

S. O. 959.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/Southern Offshore of Goa and structures in Andhra Pradesh of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Gulbarga in the State of Karnataka, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited.;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date of which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein for laying of the pipeline under the land to Shri M.Lakshminarayana, Competent Authority, GTICL Pipeline Project, in the Office of the Deputy Commissioner, Vikas Bhavan, Gulbarga, Karnataka, Pin: 585 101.

SCHEDULE							
Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
1	Kamanhalli	47	1/1				
			1/2		0	58	80
			2		0	27	10
			3		0	34	70
		42	1		0	24	30
			2		0	01	60
			3		0	05	50
			7		0	24	20
			8/1				
			8/2		0	16	00
			9/1				
			9/2		0	17	20
			11		0	20	70
			10		0	00	40
		39	1				
			2A				
			2B				
			2C				
			2D				
			3		1	13	40
		32	1/1/1				
			1/1/2				
			1/2		0	33	90
			2		0	24	90
		31	2A				
			2B		0	35	10
			1		0	25	80
		69	2		0	00	10
	road		Between syno.69/2 &69/1		0	04	40
	69		1		0	00	70
	68		1				
			2		0	42	90
	3				0	51	90
	2		1		0	39	80
	7		A				
			B				
			C				
			D				
			E				
			F				
			G		0	97	70

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Kamanhalli	6	1/1				
			1/2		0	34	20
		9	4		0	16	90
			3/1				
			3/2		0	11	70
			2		0	15	50
			1		0	05	40
			7		0	00	70
			6/1				
			6/2		0	05	80
			5		0	16	30
			10/1				
			10/2		0	43	80
			11		0	11	50
		10	4/3		0	20	80
			3		0	98	60
2	Sakarga	54	1-1		0	39	90
			2		0	08	50
		55	1		0	30	20
			2A				
			2B		0	56	90
		56	1A				
			1B				
			1C				
			1D		0	77	00
			2A		0	30	00
		58	1A				
			1A2				
			1A3				
			1A				
			2A				
			2B		0	65	30
		69	A				
			B				
			C				
			D		0	69	80
		71			0	22	00
		81	1		0	23	60
			2		0	14	70
			3		0	14	60
			4		0	15	70
		82	1A				

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Sakarga		1B				
			2				
			3		0	12	80
		80	A				
			B				
			C				
			D		1	06	50
		79	3		0	31	90
		6	A				
			B		0	78	50
		7	2A				
			2B		0	07	90
			4		0	19	10
			5		0	17	40
		8	6		0	26	90
			7A				
			7B2		0	19	40
			8		0	22	80
		9	1		0	52	20
			2A				
			2B				
			2C				
			2D				
			2B		0	45	00
	Road		In syno.9/2		0	06	20
	18				0	87	00
	19		A				
			B				
			C				
			D				
			E		0	17	70
3	Sawaleswar	184	15		0	27	50
			13		0	35	10
			11		0	08	60
			14		0	10	60
			12		0	44	50
			10		0	05	00
	Nala		Between syno. 184 & 175		0	10	30
	175		3		0	03	30
			8		0	02	00
			7		0	05	60

Taluka - Aland		District - Gulbarga			State - Karnataka		
SI No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Sawaleswar	174	3		0	00	60
			1A				
			1B		0	43	60
		187	A				
			B				
			C		0	49	40
		188	A				
			B		0	61	60
		4			0	34	10
		3	1		0	50	10
			2A				
			2B		0	20	00
		16	3		0	38	80
			2		0	26	50
		18	3		0	38	70
			4		0	29	90
		20	2		0	63	50
	Nala	Between syno.20 & 23			0	08	00
	23		1				
			2				
			3				
			4				
			5				
			6				
			7		0	53	60
		24	1		0	30	20
			3		0	41	00
	Road	Between syno.24 & 43			0	04	10
	43				1	38	30
	47		1		0	32	60
	46		1				
			2				
			3				
			4				
			5				
			6				
			7				
			8				
			9				
			10				

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Sawaleswar		11		0	36	40
		44	A				
			B				
			C		0	50	70
	Road (SH-10)		In syno.44		0	08	90
		45	A				
			B				
			C		0	71	70
4	Khanapur	71	1A				
			1B				
			1C				
			1D		1	43	80
		75	2		0	00	70
			1A				
			1B		0	10	60
		76	2A				
			2B		0	10	20
			1		0	08	80
		77	A				
			B				
			C		0	29	40
		78	A				
			B		0	53	20
		79			0	25	70
		80	2		0	22	70
		81	1A				
			1B		0	22	30
			2A				
			2B				
			2C		0	19	10
			3		0	04	40
		84	1A				
			1B				
			B				
			3		0	18	70
	ROAD		Between syno.84 & 83		0	03	80
	83		1		0	54	50
			2A				
			2B				
			2C		0	59	70

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Khanapur	42	1A				
			1B		0	60	50
			2		0	06	70
		Cart Track	Between syno.42 & 35		0	09	30
		37			0	26	30
		40	A				
			B				
			C		0	46	80
		38	1				
			2A				
			2B				
			2C		0	95	60
		39	1		0	18	10
		34	8		0	25	00
			9		0	22	40
			6		0	25	50
		33	3A				
			3B				
			3C		0	02	80
			2		0	78	80
			1A+C				
			1B		F	45	80
		Nala	Between syno.33 & Jeerhalli Boundry		0	09	40
5	Jeerhalli	Nala			0	10	90
		37	1		1	35	20
		41	1/1				
			1/2		0	25	50
6	Hebhalli	68	2		0	57	70
		53	2A				
			2B				
			2C				
			2D		0	57	70
			1		0	51	40
		51	2		0	74	80
			1		0	09	30
		50	2		0	21	00
			1A				
			1B		0	77	90
		Nala	Between syno.50 & 45		0	12	80
		45			0	18	90
		48	1		0	08	90

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
	Hebhalli	47	1		0	27	90
			2A				
			2B		0	29	50
		43	A				
			B				
			C		0	49	90
		40	A				
			B				
			C				
			D		0	78	80
		39			0	68	20
		36			1	05	80
7	Aland	445	1				
			1A				
			1B				
			1C				
			1D				
			1E				
			2A				
			2B				
			2C				
			2D		0	91	30
		444	A				
			AA		0	42	60
		443	1/A				
			1/B				
			1/C				
			1/D				
			2/A				
			2/B				
			2/C		0	58	90
	Road		Between syno. 443 & 353		0	07	00
	353		1				
			2/1				
			2/2		0	77	60
	351		2/1/A				
			2/1/B				
			2/1/C				
			2/1/D		0	60	30
	352		2		0	08	10
	355		1A				

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Aland		1B				
			2				
			3				
			4/A				
			4/B		0	59	90
		357					
			2/1				
			2/2				
			2/3				
			2/4				
			2/5				
			2/6				
			2/7				
			2/8				
			2/9		1	04	30
		366	5		0	22	10
			1A				
			1B				
			1C				
			1D		0	53	80
		359	A				
			2B		0	08	30
		363			0	00	30
		360	1A				
			1B				
			1C		0	33	90
			2A				
			2B				
			2C				
			2D		0	30	90
		361			0	86	90
		362	1		0	33	80
	Cart Track		Between syno.362 & 239		0	07	30
		239	1				
			2		0	76	40
		238	1				
			1A				
			2		0	91	20
		237			0	46	20
		236	A				
			B				

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Aland		B/B				
			B/A				
			C				
			D				
			E		0	38	70
	Road		In syno.236		0	05	60
	236		2		0	14	50
	254		A				
			B				
			C				
			D		0	81	50
	Road		Between syno.254,255&236		0	09	40
	255		1				
			2				
			3				
			4A		0	06	00
	258		1				
			2				
			3		0	01	10
	259				0	98	70
	260		1A				
			2B				
			2C				
			D				
			E				
			F				
			2		0	52	30
	276		3		0	12	70
			2		1	03	70
	267		B				
			A		0	56	30
	268						
	268		A		0	20	60
	266		1/B				
			2/A				
			2/B				
			1/A		0	94	70
	265		A				
			B				
			C				
			B/1		0	06	00

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Aland	269					
		269	A		0	49	00
		SH-32	Between syno.269 & 265		0	08	40
		206	A				
			B				
			B/A				
			B/B		1	37	40
		176					
			A		1	16	30
		174	1				
			2/A-1				
			2/A-2				
			2/A-3				
			2/B		0	55	70
		177	1		0	72	60
			2A				
			2B		0	63	80
		178	A				
			B				
			C				
			D				
			E		0	80	00
		179			0	74	30
		182	1A				
			1A-A				
			1B				
			2				
			2A		0	33	50
		181	A				
			B				
			C		1	17	70
8	Kinnisultan	70	15A				
			15B		0	02	80
			16A				
			16B				
			16C		0	23	20
		69	8		0	12	40
			10		0	09	20
			12		0	08	60
			17		0	08	80
			18		0	07	60
			19		0	08	10

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
9	Honahalli	Road	Between syno.87 & Kinnisultan Boundry		0	02	90
		87			0	42	70
		3	A				
			B1				
			B2				
			B3		0	45	70
		2	1		0	67	70
		1	A				
			B		0	55	30
		7	2		0	63	90
		10	1		0	12	20
			3		0	07	20
			2		0	61	40
		11	2A				
			2/B		0	26	20
		13	1-A1				
			1-A2				
			1-B				
			1-C1				
			1-C2				
			1-4D				
			1-E				
			1-F1				
			1-F2				
			2		0	68	60
		14	3		0	46	06
			2A				
			2B		0	30	30
		15	1A-1				
			1A-2				
			1-B+2-2				
		15	2-1				
			1-C		0	57	10
		29	1-A				
			1-B				
			1-C				
			1-D				
			2				
			3-A				
			3-B				
			3-C				
			3-D				

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
			4-1				
			4-2A				
			4-2B				
			4-2C				
			4-2D		1	09	00
		30			0	07	00
10	Tadakal	1128	A				
			B		0	33	60
		1127			0	13	90
		ROAD	Between syno. 1127 & 1126		0	10	80
		1126			0	14	80
		1125			0	33	90
		1122			0	07	80
		1124	A				
			B				
			C		0	37	80
		NALA	Between syno. 1124 & 1110		0	08	30
		1110	A1				
			A2				
			B1				
			B2				
			C		1	00	60
		1097	A				
			B		0	39	90
		1095			0	44	10
		1094			0	03	00
		1092	A				
			B		0	21	10
		1091	A1				
			A2				
			B				
			C		0	31	40
		1083	A				
			B				
			C		0	64	20
		1084	A				
			B				
			C				
			D		0	36	40
		1062	A				
			B		0	32	70
		1061	A				

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl No	Village Name	Survey No	Hissa No	Gat No	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Tadakal		B		0	00	80
		1064			0	60	10
		Cart Track	Between syno 1064 & 1058		0	11	00
		1058			0	21	90
		1057			0	22	60
		1056	A				
			B		0	80	60
		1055	A				
			B				
			C				
			D		0	62	00
		1000	A				
			B		1	04	20
		994			1	71	70
		993	A				
			B				
			C				
			D				
			E		0	10	90
		966	A				
			B		0	54	00
		968	A				
			B				
			C		0	24	10
	ROAD		D(Between syno 956 & 968)		0	07	50
	956		A1				
			A2				
			B		0	61	60
		958			0	76	00
		952	A				
			B				
			C				
			D				
			E				
			F		0	39	70
		840	A				
			B1				
			B2		0	42	70
		841			0	05	70
		842	A				
			B1				
			B2		0	81	30

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Tadakal	843			0	56	40
		936	A1				
			A2				
			B-1				
			B-2				
			C				
			D2		0	23	90
		901			0	00	40
		902			0	03	80
		903			0	07	90
		904			0	12	70
		905			0	28	20
		906			0	08	30
		897	B2				
			A				
			B1		0	41	00
		907			0	01	10
		883			0	00	40
		884			0	09	80
		885			0	09	00
		886			0	15	60
		874			0	01	30
		873			0	16	30
		872			0	23	20
		871			0	16	60
		865	A				
			B		0	00	40
		870			0	01	50
		867	A1				
			A2				
			B1				
			B2		0	69	50
		866	A1				
			B				
			B2		0	23	50
		915	A				
			B		0	00	40
		916			0	27	30
		917			0	33	60
	ROAD		Between syno.803 & 917		0	10	70
	803				0	14	10
	799		A				

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Tadakal						
		798	B		0	37	10
			A				
		789	B		0	55	30
			A				
		790	B		0	43	00
			A/2				
			B				
		797	B/1		0	32	70
			A				
			B		0	01	80
	ROAD		Between syno.790,797 & 791		0	03	60
	791A		A				
			B-1				
			B-2		0	59	10
		772			0	42	20
		771			0	13	40
		769	B				
			A		0	49	60
		768	A				
			B-1				
			C		0	63	40
		699	A				
			B				
			C		0	00	70
		700			0	08	70
		740	A/B/C		0	09	30
		701	A		0	26	50
		713			0	65	70
		714			0	92	10
		736	A				
			B				
			C		0	28	90
		735	A-1				
			A-2				
			B		0	35	80
		720	A				
			B				
			C		0	56	50
		732	A				
			B				
			C		0	27	10
		731			0	41	40

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No	Village Name	Survey No	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Tadakal	725			0	32	40
		724	A-1				
			A/1-A				
			A2				
			A/B				
			B/1				
			B/2				
			C-1				
			C-2				
			D		0	90	10
11	Nagalgaon	19	2				
			1		0	08	40
		18			0	44	20
		17	1				
			2				
			3		0	58	80
		16	1				
			2				
			2/2				
			2/4				
			3				
			4/1				
			4/2				
			4/3				
			4/4				
			2/3		0	86	20
		13	1				
			2/1				
			2/2		0	36	70
		12	1				
			2/1				
			2/2		0	44	20
		11			0	53	40
		10			0	50	60
12	Sangunda	55	A				
			B				
			C		0	10	80
		56	A				
			B				
			C				
			D		0	67	70
		57	1		0	35	20

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Sanagunda		2		0	51	80
		57	3A				
			3B		0	53	00
		58	1A				
			1B				
			1C				
			1E				
			1F				
			1G				
			1H				
			1I				
		79	1J		0	71	00
			A				
			B				
			C				
			D		0	96	40
	Road		Between syno.78 & 79		0	06	20
	78				0	40	80
	83		A				
			B				
			C				
			D				
			E				
			F		0	82	20
	Road		In syno.83		0	03	70
	85		2		0	55	20
			1		0	23	10
	86		A				
			B		0	59	00
	6		3		0	16	20
			4		0	15	80
	7		1		0	09	30
			2		0	13	60
			3		0	11	00
	19		1		0	04	60
	18		1A				
			1B				
			1C				
			1D				
			1E				
			1F				
			1G		1	94	60

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Sangunda	18	2		0	01	90
		River	In syno. 18/1 & 18/2		0	16	50
		18	3		0	09	10
13	Savalagi	9	6		0	8	60
			5		0	36	20
			4		0	22	60
			1		0	32	70
			2		0	74	40
		11	1				
			2		1	27	60
		12	1				
			2		1	23	00
14	Belambgi	210	A				
			B				
			C				
			D		0	96	90
		192	A				
			B				
			C				
			D				
			E				
			F				
			G				
			H		1	56	10
		191/1A	1A		0	34	50
		191/2	2				
		191/3	3				
		191/4	4				
		191/5	5				
		193	A				
			B				
			K				
			D				
			U				
			N		0	04	80
		188	1A				
			1B		0	14	90
			3		0	36	20
			5		0	35	90
			7		0	22	90

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
1	2	3	4	5	Hectare	Are	Centiare
	Belambgi		6		0	10	40
			8		0	34	30
			9A				
			9A1				
			9B		0	25	20
			10A		0	05	60
			10B				
		187	7A				
			7B				
			7C		0	15	90
		186/3	3		0	61	00
			2A				
			2B		0	10	40
			4		0	03	30
		185	2		0	66	40
		183	A				
			B				
			C				
			D				
			E				
			F		0	99	10
		177	1A				
			1B		0	35	80
		177	2A				
			2B		0	55	10
		175	3		0	05	90
			4		0	22	30
15	V.K.Salgar	322	A				
			B				
			C				
			D				
			E				
			F		1	69	40
		323	2A				
			2B		0	44	90
			1		0	40	20
		327	A				
			B				
			C				
			D				
			E				
			F		0	65	00

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No	Hissa No.	Gat No	Area		
1	2	3	4	5	Hectare	Are	Centiare
	V.K.Salgar	326	A				
			B		0	06	80
		325	1A				
			1B				
			1C				
			1D		0	70	30
		339			0	73	30
		313	A				
			B				
			C				
			D				
			E		1	26	00
		312	A				
			B		1	24	20
		342			0	06	30
	Road	Between sno.293 & 342			0	10	00
	293		A		0	00	10
			B		0	74	30
	290		1A				
			1B				
			1C				
			1D		1	08	50
	289				0	00	40
	286		1A				
			1B		1	06	70
	Cart Track	Between sno.286 & 65			0	05	90
	65		A				
			B		0	60	50
	67		A				
			B		0	53	50
	68		1				
			2				
			3				
	68		4				
			5				
			6				
			7				
			8		0	76	90
	69		A				
			B				
			C		0	90	30
	SH - 32	Between sno.90 & 69			0	06	20

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	V.K Salgar	90	A				
			B		0	47	90
		91	1+2		0	03	20
			3A		0	81	90
			4		0	33	70
		92	1		0	12	10
			2A				
			2B				
			2C				
			2D				
			2E				
			2F		0	90	00
		93			0	78	00
		134	1		0	80	50
			2		0	61	50
			3		0	00	40
		135	1		0	00	30
			2A				
			2B				
			2C				
			2D		0	87	90
			3		0	43	80
		131	3		0	91	20
			4A				
			4B				
			4C		0	50	00
16	Lengti	73	4		0	10	40
			1		0	20	00
			2		0	17	50
			3		0	14	00
		Road	Between sno.73 & 72		0	06	90
		72	1		0	38	90
		57	A				
			B				
			C				
			D				
			E				
			EE				
			F		0	74	40
		58	1				
			2				
			3		0	43	30

Taluka - Aland		District - Gulbarga			State - Karnataka		
Sl. No	Village Name	Survey No	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Lengti	63	19 A AA E EE		0	39	01
		62			0	60	90
		60			0	02	00
		41	1		0	55	00
			2		0	24	90
			3		0	06	70
			5		0	07	50
			4		0	37	70
		39	1				
			2				
			3				
			4				
			5				
			6		0	40	20
		42	2		0	27	80
			3		0	48	20
		43	1		0	04	30
		42	4		0	01	80
		43	3		0	60	90
		45	3		0	00	60
		46	3		0	04	80
			4		0	31	00
	River		Between sno.46 & 31		0	09	50
	31		3		0	23	80
			2				
			2A				
			2AA				
			2E				
			2EE		0	47	50
		32			0	67	90
		33					
			AB				
			C		0	62	30
		34			0	32	30
		35			0	01	20
		25	6		0	70	30
		24			0	02	30
17	Ladmoghali	17	A B				

Taluka - Aland			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	10
	Ladmoghali		2		1	16	00
		18			0	44	40
		25	A				
			B				
			C		1	31	50
		26			0	41	50
		27	1		0	33	70
			2		0	26	50
			3		0	00	40

[No L-14014/16/02-GP
SWAMI SINGH, Directo

नई दिल्ली, 13 मार्च, 2002

का. आ. 960.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड के आन्ध्र प्रदेश में गोवा के उत्तरी / दक्षिणी अपतट में स्थित खोज ब्लॉकों और संस्थापनों से कर्नाटक राज्य के गुलबर्गा जिले में विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एम. लक्ष्मीनारायण, सक्षम प्राधिकारी, जी० टी० आई० सी० एल० पाइपलाइन परियोजना, उपायुक्त कार्यालय, विकास भवन, गुलबर्गा 585 101 को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची							
तालुका गुलबर्गा		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	8
1	वरनाळ	नाला	सर्वे न 22 में		0	12	40
		22	1				
			2				
			2/1				
			2/2		0	37	10
		23	1 सरकारी और अन्य				
			1				
			2				
			3				
			4				
			5/2				
			5/1				
			6				
			7/2				
			7/1				
			8/1				
			8				
			9/3				
			9/2				
			9/1				
			9				
			9/4				
			10				
			11/2				
			11/1				
			12				
			13				
			14/1				
			14				
			15				
			16				
			17				
			18/2				
			18/1				
			19				
			20/1				
			20/21				
			21				
			22				
			23/1				
			23				

तालुका गुलबर्गा			जिला गुलबर्गा	राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	8
	वरनाळ		24				
			25				
			26				
			27				
			28/2				
			28/1				
			29				
			30				
			31				
			32				
			32/2				
			33				
			34				
			35				
			36				
			37				
			38				
			39				
			40				
			41				
			42				
			43				
			44				
			45				
			46				
			47				
			48				
			49				
			50				
			51				
			52				
			53				
			54				
			55				
			56				
			57		4	11	20
2	डोंगरगाव	219	3		0	99	0
		212	1		0	52	60
			2		0	6	60
			3		0	43	80
		213	1A		0	50	70
		206	1A				

तालुका गुलबर्गा		जिला गुलबर्गा		राज्य कर्नाटक			
अ.क.	गांव का नाम	सर्वे नं.	हिस्सा नं.	गट नं.	क्षेत्र		
1	2	3	4	5	हेक्टर	आर	सेंटीआर
	डोगरगांव		1A				
		205	1B		0	89	10
			1A				
			1B				
		214	B		0	59	20
		190	3		0	90	0
		191			0	28	10
			1				
			2				
			3				
			4		0	67	70
		185	1				
			1A				
			2B				
			B				
			C				
			3+4				
			B		0	29	90
		186	5		0	61	20
		184	1		0	19	70
			2		0	33	60
			3		0	15	50
			5		0	8	0
		176	1		0	28	70
			2A				
			2B		0	21	70
		163	A				
			B		0	62	80
		164	4		0	13	50
		165			0	51	40
	गाडी रास्ता	सर्वे नं 165 और 87 के बीच में			0	10	10
	87		1				
			2				
			3				
			4		1	27	30
	रास्ता	सर्वे नं 87 और 81 के बीच में			0	9	50
	81		1				
			2		0	67	30
	54		1		0	21	50
			2		0	19	40
	52		1				
			2				

तालुका गुलबर्गा		जिला गुलबर्गा		राज्य कर्नाटक			
अ. क.	गांव का नाम	सर्वे नं	हिस्सा न	गट नं	क्षेत्र		
					हेक्टेर	आर	सेंटीआर
1	2	3	4	5	6	7	8
	डोंगरगांव		3				
			4		0	37	20
		51			0	34	50
		50	1		0	31	80
			2		0	33	40
			3		0	33	90
			4		0	4	0
		49			0	26	30
		32	1		0	42	60
			2		0	28	30
			3		0	29	10
		31	1				
			2				
			3				
			4		0	47	0
3	किष्णि (सडक)	101	1				
			2				
			3				
			4		0	42	50
		102	1		0	31	30
			2		0	30	30
		103			0	60	60
	रास्ता		सर्वे न 102 और 98 के बीच मे		0	6	40
	98/1		1		0	32	90
	98/2		2		0	29	70
	नाला		सर्वे न 77 और 98 के बीच मे		0	7	60
	77		1		0	47	40
			1				
			2				
			3				
		78			0	38	10
		56			0	62	10
		54			0	11	30
		80					
			2				
			3		0	7	80
		81			0	65	60
		47			0	94	70
		46	1				
			2				
			3				
			4		0	15	30

तालुका गुलबर्गा		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे नं	हिस्सा न	गट न	क्षेत्र		
					हेक्टेर	आर	सेंटीआर
1	2	3	4	5	6	7	8
	किण्णिण (सडक)	45	1		0	64	0
			2		0	53	60
		30	1 सरकारी और अन्य				
			2				
			3				
			4				
			5				
			6				
			7				
			8				
			9				
			10				
			11				
			12		0	39	60
	रास्ता	सर्वे न 30 मे			0	5	40
4	डोरजमगाव	2	1				
			2				
			3		0	0	40
		3	1 सरकारी और अन्य				
			2		0	69	20
		5			1	21	10
	नाला	सर्वे न 5 मे			0	5	90
		6	1				
			2		0	48	30
		7			0	34	20
		8	1				
			2		0	37	0
		9	5		0	19	60
			4		0	15	10
			12		0	0	50
		13			0	21	0
5	गोबरवाडी	103			0	46	30
		104	5		0	18	60
	गाडी रास्ता	सर्वे न 102 और 104 के बीच में			0	16	20
		102			0	29	60
		101	1		0	49	10
			3		0	9	50
		100	1		0	29	10
			2		0	29	50
		99	1				
			2				
			3		0	46	30

तालुका गुलबर्गा			जिला गुलबर्गा		राज्य कर्नाटक		
अ.क.	गांव का नाम	सर्वे नं	हिस्सा नं	गट नं	क्षेत्र		
					हेक्टेर	आर	सेटीआर
1	2	3	4	5	6	7	8
	गोबरवाडी	98			0	13	40
		97			0	23	0
	मुल्लामारी		सर्वे नं 56 और 97 के बीच में		0	17	70
	नदी						
	56		1				
			2		0	32	10
	57		1				
			1/2				
			2		0	6	70
	62		1				
			2		0	29	90
	61		1				
			2		0	30	10
	67		1				
			2		0	26	90
	68				0	14	10
	71				0	40	90
	49				0	8	30
	47				0	3	40
	40		1				
			2/1				
			2/2		0	0	60
	41				0	78	60
	42				0	54	10
	36		सरकारी		0	4	50
	35		1				
			2				
			3		1	17	60
	34		1				
			2				
			3		0	0	40
	33		1				
			2		0	66	0
	नाला		सर्वे नं 33 में		0	6	0
	32		1				
			2				
			3		0	77	50
6	नीळकोडा	80	1		0	21	90
			2		0	44	90
			3		0	77	40
	72				0	18	70
	75		A				

तालुका गुलबर्गा		जिला गुलबर्गा		राज्य कर्नाटक			
अ क	गाव का नाम	सर्वे न	हिस्सा न	गट न	क्षेत्र		
					हेक्टर	आर	सेटीआर
1	2	3	4	5	6	7	8
	नीळकोडा	8	C		1	42	30
		74			0	4	70
		76	1				
			2		1	25	70
		56			1	25	10
		55	1		0	8	60
			2		C	24	20
			3		0	13	50
			5		0	46	40
			6		0	5	40
		51			0	33	60
7	कालमदरगी	137	1				
			2				
			3				
			4		0	53	0

[फा. सं. एल. -14014/17/02-जी. पी.]

स्वामी सिंह, निदेशक

New Delhi, the 13th March, 2002

S. O. 960.—, Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/ Southern Offshore of Goa and structures in Andhra Pradesh of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Gulbarga in the state of Karnataka, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Any person interested in the land described in the said Schedule may, within twenty-one days from the date of which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein for laying of the pipeline under the land to Shri M. Lakshminarayana, Competent Authority, GTIL Pipeline Project, in the Office of the Deputy Commissioner, Vikas Bhavan, Gulbarga, Karnataka, Pin : 585 101.

SCHEDULE							
Taluka - Gulbarga			District - Gulbarga		State - Karnataka		
Sl No	Village Name	Survey No	Hissa No	Gat No	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
1	Varnal	Nala 22	In syno 22 1 2 2/1 2/2 1 (Govt & Others) 1 2 3 4 5/2 5/1 6 7/2 7/1 8/1 8 9/3 9/2 9/1 9 9/4 10 11/2 11/1 12 13 14/1 14 15 16 17 18/2 18/1 19 20/1 20/21 21 22 23/1 23		0	12	40
		23			0	37	10

Taluka - Gulbarga

District - Gulbarga

State - Karnataka

Sl No.	Village Name	Survey No	Hissa No.	Gat No	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
	Varna!		24				
			25				
			26				
			27				
			28/2				
			28/1				
			29				
			30				
			31				
			32				
			32/2				
			33				
			34				
			35				
			36				
			37				
			38				
			39				
			40				
			41				
			42				
			43				
			44				
			45				
			46				
			47				
			48				
			49				
			50				
			51				
			52				
			53				
			54				
			55				
			56				
			57		4	11	20
2	Dongargaon	219	3		0	99	00
		212	1		0	52	60
			2		0	06	60
			3		0	43	80
		213	1A		0	50	70
		206	1A				
			1A				
			1B		0	89	10
		205	1A				
			1B				
			B		0	59	20
		214	3		0	90	00
		190			0	28	10
		191	1				
			2				
			3				
			4		0	67	70

Taluka - Gulbarga		District - Gulbarga			State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
	Dongargaon	185	1				
			1A				
			2B				
			B				
			C				
			3+4				
			B		0	29	90
		186	5		0	61	20
		184	1		0	19	70
			2		0	33	60
			3		0	15	50
			5		0	08	00
		176	1		0	28	70
			2A				
			2B		0	21	70
		163	A				
			B		0	62	80
		164	4		0	13	50
		165			0	51	40
	Cart Track	Between syno.165 & 87			0	10	10
	87		1				
			2				
			3				
			4		1	27	30
	Road	Between syno.87 & 81			0	09	50
	81		1				
			2		0	67	30
	54		1		0	21	50
			2		0	19	40
	52		1				
			2				
			3				
			4		0	37	20
	51				0	34	50
	50		1		0	31	80
			2		0	33	40
			3		0	33	90
			4		0	04	00
	49				0	26	30
	32		1		0	42	60
			2		0	28	30
			3		0	29	10
	31		1				
			2				
			3				
			4		0	47	00
3	Kinni(Sadak)	101	1				
			2				
			3				
			4		0	42	50
		102	1		0	31	30
			2		0	30	30
		103			0	60	60

Taluka - Gulbarga		District - Gulbarga			State - Karnataka		
Sl No	Village Name	Survey No	Hissa No	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
	Kinni(Sadak)	ROAD	Between syno.102 & 98		0	06	40
		98/1	1		0	32	90
		98/2	2		0	29	70
		NALA	Between syno.77 & 98		0	07	60
		77	1		0	47	40
			1				
			2				
			3				
		78			0	38	10
		56			0	62	10
		54			0	11	30
		80					
			2				
			3		0	07	80
		81			0	65	60
		47			0	94	70
		46	1				
			2				
			3				
			4		0	15	30
		45	1		0	64	00
			2		0	53	60
		30	1(Govt & Others)				
			2				
			3				
			4				
			5				
			6				
			7				
			8				
			9				
			10				
			11				
			12		0	39	60
		Road	In syno 30		0	05	40
4	Dorjamaga	2	1				
			2				
			3		0	00	40
		3	1 (Govt & Others)				
			2		0	69	20
		5			1	21	10
		CANAL	In syno 5		0	05	90
		6	1				
			2		0	48	30
		7			0	34	20
		8	1				
			2		0	37	00
		9	5		0	19	60
			4		0	15	10
			12		0	00	50
			13		0	21	00

Taluka - Gulbarga

District - Gulbarga

State - Karnataka

Sl. No.	Village Name	Survey No	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
5	Gobarwadi	103			0	46	30
		104	5		0	18	60
		Cart Track	Between syno.102 & 104		0	16	20
		102			0	29	60
		101	1		0	49	10
			3		0	09	50
		100	1		0	29	10
			2		0	29	50
		99	1				
			2				
			3		0	46	30
		98			0	13	40
		97			0	23	00
	Mullamari		Between syno.56 & 97		0	17	70
	Nadhi						
	56		1				
			2		0	32	10
	57		1				
			1/2				
			2		0	06	70
	62		1				
			2		0	29	90
	61		1				
			2		0	30	10
	67		1				
			2		0	26	90
	68				0	14	10
	71				0	40	90
	49				0	08	30
	47				0	03	40
	40		1				
			2/1				
			2/2		0	00	60
	41				0	78	60
	42				0	54	10
	36		Govt. Land		0	04	50
	35		1				
			2				
			3		1	17	60
	34		1				
			2				
			3		0	00	40
	33		1				
			2		0	66	00
	Canal		In syno.33		0	06	00
	32		1				
			2				
			3		0	77	50

Taluka - Gulbarga			District - Gulbarga		State - Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Gat No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6	7	8
6	Nilkoda	80	1		0	21	90
			2		0	44	90
			3		0	77	40
		72			0	18	70
		75	A				
			B				
			C		1	42	30
		74			0	04	70
		76	1				
			2		1	25	70
		56			1	25	10
		55	1		0	08	60
			2		0	24	20
			3		0	13	50
			5		0	46	40
			6		0	05	40
7	Kalmandargi	51			0	33	60
		137	1				
			2				
			3				
			4		0	53	0

[No L-14014/17/02-GP]
SWAMI SINGH, Director

नई दिल्ली, 15 मार्च, 2002

का. आ. 961.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक 1405 तारीख 19 जून, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन द्वारा गुजरात राज्य में विरमगाम से राजस्थान राज्य में चाकसू होकर हरियाणा राज्य में पानीपत तक, सलाया-मथुरा पाइप लाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन हेतु अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और अधिसूचना की प्रतियाँ साधारण जनता को तारीख 9.7.2001 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार, धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लिंगमों से मुक्त, इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : पाटण	जिला : पाटण		राज्य : गुजरात		
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
मणुब्द	2230	पी5	0	13	09
	2231		0	11	30
	2289		0	05	49
	2288		0	01	61
	2287		0	00	74
	2286		0	08	34
	2285		0	06	65
	2284	पी1	0	01	03
	2283		0	12	80
	2281		0	12	46
	2280		0	08	55
	2273	पी	0	09	61
	2274		0	00	74
	2110		0	09	61
	2108	पी2	0	10	56
	2059		0	18	06
	2125		0	06	02
	2126	1	0	07	08
	2126		0	06	71
	2127	पी	0	00	
	2042	पी	0	04	
	2041		0	06	55
	2043		0	09	13
	2044		0	06	23
	2036	1	0	00	20
	2036	पी	0	09	61
	2008		0	08	98
	2009		0	03	85
	2007	पी	0	05	52
	1853		0	00	29

1	2	3	4	5	6
मणुबंद	1852		0	08	98
	1854	2	0	08	81
	1854	1	0	00	48
	1849	पी1	0	07	92
	1849	2	0	01	48
	1848		0	04	23
	1832		0	09	77
	1833		0	04	54
	1834		0	00	55
	1835	पी	0	12	80
	1773		0	08	65
	1770	पी	0	06	28
	1776	1	0	03	80
	1776	2	0	05	49
	1768		0	08	05
	1759		0	03	64
	1758	पी1	0	04	60
	1743		0	07	08
	1741		0	04	75
	1740	पी	0	03	17
	1649	पी	0	03	90
	1649	पी1	0	04	65
	1651		0	08	29
	1609		0	10	03
	1608		0	05	81
	1606		0	07	81
	1605	पी2	0	04	44
	1664		0	01	06
	1665	पी	0	09	35
	1663		0	05	28
	1667		0	05	70
	1712		0	06	91
	1713		0	00	48
छाभडी	454		0	06	55
	453		0	08	24
	452		0	02	06
	456		0	03	64
	457		0	13	72
	458		0	00	32
	575		0	00	20
	573		0	02	85
	513		0	07	29
	514		0	07	81

1	2	3	4	5	6
	511		0	07	92
	516		0	11	30
	518		0	03	69
	510		0	05	07
	503		0	06	55
	502		0	11	46
	307		0	06	39
	308		0	08	61
	309		0	10	35
	313		0	01	18
	310		0	22	15
	316		0	06	55
	317		0	06	81
	261		0	05	28
	268		0	07	05
	269		0	10	77
	270		0	04	12
	256		0	09	03
	255		0	07	71
	254		0	16	79
रुवाही	337		0	07	86
	336		0	05	33
	339		0	10	22
	341		0	02	63
	887		0	05	29
	342		0	00	20
	362		0	00	69
	361		0	07	97
	380		0	05	28
	360		0	03	17
	381		0	01	48
	382		0	12	51
	383		0	02	06
	392		0	01	91
	389		0	09	26
	390		0	00	20
	412		0	02	32
	413		0	03	13
	414		0	03	71

1	2	3	4	5	6
कणी	415		0	01	00
	416		0	12	45
	501		0	50	90
	167		0	00	20
	166		0	08	34
	164		0	13	93
	165	4	0	00	28
	130		0	05	47
	131		0	06	34
	132	1	0	00	44
	132	2	0	07	11
	127		0	04	65
	133	2	0	10	19
	105	3	0	01	05
	105	4	0	06	77
	105	5	0	03	27
	104	1	0	04	51
	104	2	0	01	05
	97	13	0	00	10
	97	14	0	05	44
	99		0	03	48
	101	1	0	03	17
	101	2	0	00	05
	83		0	11	30
	84		0	07	76
	78		0	08	61
	79		0	01	18
	76	1	0	02	19
	76	2	0	11	74
	75		0	00	55

[फा. सं. आर-25011/10/2001—ओआर-I]

एस. एस. केमवाल, अवर सविच

New Delhi, the 15th March, 2002

S. O. 961.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1405 dated the 19th June, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of users in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of users in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura Pipeline System Project.

And whereas, copies of the said notifications were made available to the public on 09.07.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report has decided to acquire the right of users in the lands specified in the Schedule appended to this Notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : PATAN		District : PATAN		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
MANUND	2230	P5	0	13	09	
	2231		0	11	30	
	2289		0	05	49	
	2288		0	01	61	
	2287		0	00	74	
	2286		0	08	34	
	2285		0	06	65	
	2284	P1	0	01	03	
	2283		0	12	80	
	2281		0	12	46	
	2280		0	08	55	
	2273	P	0	09	61	
	2274		0	00	74	
	2110		0	09	51	
	2108	P2	0	10	56	
	2059		0	18	06	
	2125		0	06	02	
	2126	1	0	07	08	
	2126		0	06	71	
	2127	P	0	00	20	
	2042	P	0	04	01	
	2041		0	06	55	
	2043		0	09	13	
	2044		0	06	23	
	2036	1	0	00	20	
	2036	P	0	09	61	
	2008		0	08	98	
	2009		0	03	85	
	2007	P	0	05	52	
	1853		0	00	29	
	1852		0	08	98	
	1854	2	0	08	81	
	1854	1	0	00	48	
	1849	P1	0	07	92	

1	2	3	4	5	6
	1849	2	0	01	48
	1848		0	04	23
	1832		0	09	77
	1833		0	04	54
	1834		0	00	55
	1835	P	0	12	80
	1773		0	08	65
	1770	P	0	06	28
	1776	1	0	03	80
	1776	2	0	05	49
	1768		0	08	05
	1759		0	03	64
	1758	P1	0	04	60
	1743		0	07	08
	1741		0	04	75
	1740	P	0	03	17
	1649	P	0	03	90
	1649	P1	0	04	65
	1651		0	08	29
	1609		0	10	03
	1608		0	05	81
	1606		0	07	81
	1605	P2	0	04	44
	1664		0	01	06
	1665	P	0	09	35
	1663		0	05	28
	1667		0	05	70
	1712		0	06	91
	1713		0	00	48
DABHDI	454		0	06	55
	453		0	08	24
	452		0	02	06
	456		0	03	64
	457		0	13	72
	458		0	00	32
	575		0	00	20
	573		0	02	85
	513		0	07	29
	514		0	07	81

1	2	3	4	5	6
	511		0	07	92
	516		0	11	30
	518		0	03	69
	510		0	05	07
	503		0	06	55
	502		0	11	46
	307		0	06	39,
	308		0	08	61
	309		0	10	35
	313		0	01	18
	310		0	22	15
	316		0	06	55
	317		0	06	81
	261		0	05	28
	268		0	07	05
	269		0	10	77
	270		0	04	12.
	256		0	09	03
	255		0	07	71
	254		0	16	79
RUVAVI	337		0	07	86
	336		0	05	33
	339		0	10	22
	341		0	02	63
	887		0	05	29
	342		0	00	20
	362		0	00	69
	361		0	07	97
	380		0	05	28
	360		0	03	17
	381		0	01	48
	382		0	12	51
	383		0	02	06
	392		0	01	91
	389		0	09	26
	390		0	00	20
	412		0	02	32
	413		0	03	13
	414		0	03	71

1	2	3	4	5	6
	415		0	01	00
	416		0	12	45
	501		0	50	90
KANI	167		0	00	20
	166		0	08	34
	164		0	13	93
	165	4	0	00	28
	130		0	05	47
	131		0	06	34
	132	1	0	00	44
	132	2	0	07	11
	127		0	04	65
	133	2	0	10	19
	105	3	0	01	05
	105	4	0	06	77
	105	5	0	03	27
	104	1	0	04	51
	104	2	0	01	05
	97	13	0	00	10
	97	14	0	05	44
	99		0	03	48
	101	1	0	03	17
	101	2	0	00	05
	83		0	11	30
	84		0	07	76
	78		0	08	61
	79		0	01	18
	76	1	0	02	19
	76	2	0	11	74
	75		0	00	55

[No. R-25011/10/2001—OR-I]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 15 मार्च, 2002

का. आ. 962.— केन्द्रीय सरकार को 'लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) पंजाब राज्य में भटिंडा तक, मुन्द्रा-भटिंडा पाइपलाइन से होकर अपरिष्कृत तेल के परिवहन के लिए एक पाइपलाइन गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) द्वारा बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथाप्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाने के अधिकार के अर्जन के लिए श्री डी. के. पारिख, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी), पो0 बॉक्स नं0 43, यूनिट-2, उ. पो. खारी रोहर, तहसील गांधीधाम, राज्य गुजरात को लिखित रूप में आक्षेप भेज सकेगा ;

अनुसूची

तहसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गाँव का नाम	संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	सेन्टी आर
1	2	3	4		
भुवड	327/4		0	22	85
	327/3		0	10	23
	326		0	44	46
	325		0	36	02
	ट्रावर्स 671	पैकी	0	26	07
	-	कार्ट ट्रैक	0	04	73
	265/1		0	30	35
	-	नाला	0	06	03
	267/2		0	17	46
	267/1		0	30	95
	269		0	20	65
	268		0	21	70
	-	नाला	0	05	87
	276		0	11	07
	271/3		0	49	50
	271/2		0	03	62
	275/2		0	09	88
	275/1		0	34	52
	275/1	पैकी कार्ट ट्रैक	0	01	72
	274		0	11	40

गाँव का नाम	संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	रोन्टी आर
1	2	3	4		
मुवड (जारी)	283		0	24	00
	284		0	50	41
	282/3		0	07	99
	285/1		0	21	80
	286		0	27	31
	ट्रावर्स 671	पैकी	0	20	43
	-	नदी	0	05	63
	460/3		0	17	02
	ट्रावर्स 671	पैकी	0	37	83
	187/1		0	11	76
	186/1		0	08	95
	185		0	29	74
	184		0	23	88
	684		0	25	70
	166		0	49	51
	692		0	16	61
	165/3		0	12	14
	165/2		0	22	87
	165/1		0	08	71
	ट्रावर्स 671	पैकी	0	48	98
	164		0	11	33
	-	नाला	0	05	69
	152		0	26	29

हसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गोंव का नाम	संख्या	भाग यदि हे तो	क्षेत्रफल		
			हेक्टेयर	आर	सेन्टी आर
1	2	3	4		
भुवड (जारी)	151/2		0	23	39
	148		0	00	73
	147		0	26	16
	146	पैकी	0	25	07
	ट्रावर्स 671	पैकी	0	10	22
	-	नाला	0	11	75
नागलपुर नाना - २	13		0	10	41
	9	पैकी नदी	0	04	30
		पैकी	01	02	04
मीठा पसवारीया	ट्रावर्स 162	पैकी सरकारी जमीन	0	12	48
	-	नाला	0	02	78
	101		0	13	20
	102		0	50	35
	103		0	03	74
	104/2		0	49	50
	88/1		0	21	47
	88/2		0	10	73
	89		0	23	44
	212		01	88	50
	-	नाला	0	04	47
	87		0	02	87
	86/2		0	04	61
	-	नदी	0	27	17

तहसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गौव का नाग	संख्या	गाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	सेन्टी आर
1	2	3	4		
मीठा पसवारीया (जारी)	ट्रावर्स 162	पैकी सरकारी जमीन	0	10	04
खारा पसवारीया	234	पैकी	0	08	64
	-	नदी - चुस्कीया	0	12	51
	175		0	33	96
	174		01	15	43
	235		0	24	95
	-	काटें ट्रेक	0	01	39
	197/2		0	00	28
	200		0	59	86
	199	पैकी	0	36	47
	199	पैकी काटें ट्रेक	0	00	75
	198		0	12	68
	ट्रावर्स 204	पैकी काटें ट्रेक	0	01	71
	ट्रावर्स 204	पैकी	0	08	99
	ट्रावर्स 204	पैकी काटें ट्रेक	0	01	11
	4		0	19	22
	-	काटें ट्रेक	0	05	57
	3/1		0	03	59
	ट्रावर्स 204	पैकी	0	14	0
	-	नाला	0	01	78
	ट्रावर्स 204	पैकी काटें ट्रेक	0	00	91
	47		0	27	32

तहसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गौव का नाम	संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	सेन्टी आर
1	2	3	4		
खारा परावारीया (जारी)	46		0	43	92
	49		0	06	13
	52		0	01	78
	50		0	13	23
	51		0	48	61
	63		0	49	87
	64		0	29	71
	-	काट ट्रैक	0	04	21
	85		0	24	71
	86		0	21	57
	221		0	05	85
	222	पैकी	0	93	35
	118		0	24	12
	ट्रावर्स 204	पैकी	0	11	00
अजापर	296		0	25	47
	295		0	21	15
	ट्रावर्स 319	पैकी सरकारी जमीन	0	08	80
		पैकी काट ट्रैक			
	293	पैकी	0	31	27
	291/1		0	0	05
	292/2		0	05	35
	292/1		0	32	09
	278	पैकी	0	36	76

तहसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गोंव का नाम	संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	रोन्टी आर
1	2	3	4		
अजापर (जारी)	284		0	18	93
	279	पैकी	0	28	84
	283		0	37	39
	-	काट्ट ट्रेक	0	00	99
	225	पैकी	0	42	46
	224	पैकी	0	19	23
	227		0	25	66
	228		0	14	43
	232		0	06	99
	231		0	18	63
	230		0	30	70
	-	काट्ट ट्रेक	0	04	04
	185		0	26	83
	186		0	19	11
	182		0	55	90
	181		0	15	33
	171	पैकी	0	18	26
	180		0	44	26
	176		0	05	83
	175		0	40	73
	174		0	30	34
	161		0	20	20
	162		0	01	68

गहसील : अन्जार

जिला : कच्छ

राज्य : गुजरात

गौव का नाम	संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टेयर	आर	सेन्टी आर
1	2	3	4		
अजापर (जारी)	160	पैकी काट्ट ट्रेक	0	01	39
	160	पैकी	0	15	17

[फा. सं. आर-31015/47/02-ओआर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 15th March, 2002

S. O. 962.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bhatinda in the State of Punjab, through Mundra – Bhatinda pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited, (a Subsidiary of Hindustan Petroleum Corporation Limited);

And Whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now; therefore, in exercise of the powers conferred by sub-section(1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri D.K.Parekh, Competent Authority, Mundra – Bhatinda Crude Oil Pipeline, Guru Gobind Singh Refineries Limited, (A subsidiary of Hindustan Petroleum Corporation Ltd.), P.B. No. 43, Unit 2, HPCL, At & Post Khari rohar, Tal; Gandhidham, State Gujarat.,

SCHEDULE**Tahsil: Anjar****District: Kutch****State: Gujarat**

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt
1	2	3	4		
Bhuvad	327/4		0	22	85
	327/3		0	10	23
	326		0	44	46
	325		0	36	02
	Trowers 671	P	0	26	07
	-	Cart Track	0	04	73
	265/1		0	30	35
	-	Nala	0	06	03
	267/2		0	17	46
	267/1		0	30	95
	269		0	20	65
	268		0	21	70
	-	Nala	0	05	87
	276		0	11	07
	271/3		0	49	50
	271/2		0	03	62
	275/2		0	09	88
	275/1		0	34	52
	275/1	P Cart Track	0	01	72
	274		0	11	40
	283		0	24	00
	284		0	50	41
	282/3		0	07	99
	285/1		0	21	80
	286		0	27	31
	Trowers 671	P	0	20	43
	-	River	0	05	63
	460/3		0	17	02
	Trowers 671	P	0	37	83
	187/1		0	11	76
	186/1		0	08	95
	185		0	29	74
	184		0	23	88

Tahsil: Anjar

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt
1	2	3	4		
Bhuvad (Contd.)	684		0	25	70
	166		0	49	51
	692		0	16	61
	165/3		0	12	14
	165/2		0	22	87
	165/1		0	08	71
	Trowers 671	P	0	48	98
	164		0	11	33
	-	Nala	0	05	69
	152		0	26	29
	151/2		0	23	39
	148		0	00	73
	147		0	26	16
	146	P	0	25	07
	Trowers 671	P	0	10	22
	-	Nala	0	11	75
Nagalpur Nana - 2	13		0	10	41
	9	P River	0	04	30
		P	1	02	04
Mitha Paswaria	Trowers 162	P Govt. Land	0	12	48
	-	Nala	0	02	78
	101		0	13	20
	102		0	50	35
	103		0	03	74
	104/2		0	49	50
	88/1		0	21	47
	88/2		0	10	73
	89		0	23	44
	212		1	88	50
	-	Nala	0	04	47
	87		0	02	87
	86/2		0	04	61
	-	River	0	27	17

Tahsil:Anjar**District:Kutch****State:Gujarat**

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt
1	2	3	4		
Mitha Paswaria (Contd..)	Trowers 162	P Govt. Land	0	10	04
Khara Paswaria	234	P	0	08	64
	-	River - Churakiya	0	12	51
	175		0	33	96
	174		1	15	43
	235		0	24	95
	-	Cart Track	0	01	39
	197/2		0	00	28
	200		0	59	86
	199	P	0	36	47
	199	P Cart Track	0	00	75
	198		0	12	68
	Trowers 204	P Cart Track	0	01	71
	Trowers 204	P	0	08	99
	Trowers 204	P Cart Track	0	01	11
	4		0	19	22
	-	Cart Track	0	05	57
	3/1		0	03	69
	Trowers 204	P	0	14	00
	-	Nala	0	01	78
	Trowers 204	P Cart Track	0	00	91
	47		0	27	32
	46		0	43	92
	49		0	06	13
	52		0	01	78
	50		0	13	23
	51		0	48	61
	63		0	49	87
	64		0	29	71
	-	Cart Track	0	04	21
	85		0	24	71
	86		0	21	57

Tahsil: Anjar

District: Kutch

State: Gujarat

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt
1	2	3	4		
Khara Paswaria (Contd..)	221		0	05	85
	222	P	0	93	35
	118		0	24	12
	Trowers 204	P	0	11	00
Ajapar	296		0	25	47
	295		0	21	15
	Trowers 319	P Govt. Land P Cart Track	0	08	80
	293	P	0	31	27
	291/1		0	00	05
	292/2		0	05	35
	292/1		0	32	09
	278	P	0	36	76
	284		0	18	93
	279	P	0	28	84
	283		0	37	39
	-	Cart Track	0	00	99
	225	P	0	42	46
	224	P	0	19	23
	227		0	25	66
	228		0	14	43
	232		0	06	99
	231		0	18	63
	230		0	30	70
	-	Cart Track	0	04	04
	185		0	26	83
	186		0	19	11
	182		0	55	90
	181		0	15	33
	171	P	0	18	26
	180		0	44	26
	176		0	05	83
	175		0	40	73
	174		0	30	34
	161		0	20	20
Ajapar (Contd..)	162		0	01	68
	160	P Cart Track	0	01	39
		P	0	15	17

कोयला तथा खान मंत्रालय
कोयला विभाग

नई दिल्ली, 11 मार्च, 2002

आदेश

का. आ. 963.— कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (i) के अधीन जारी की गई भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना संख्याक का.आ. 2082 तारीख 30 जून, 1981 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) , तारीख 1 अगस्त, 1981 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलिंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि सेंट्रल कोलफील्ड्स लि०, रांची, (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 1 अगस्त, 1981 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् : -

- (1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर , ब्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी ;
- (3) उक्त कंपनी, केन्द्रीय सरकार और उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी,

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, भूमि और उक्त भूमि में या उस पर के अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फा. सं. 19/58/80-सी. एल./पी. आर. आई. डब्ल्यू.]

संजय बहादुर, उप सचिव

Ministry Of Coal and Mines Department of Coal

New Delhi, the 11th March, 2002

ORDER

S. O. 963.— Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Deptt. of Coal) number S.O. 2082, dated the 30th June, 1981, issued under Sub Section (i) of Section – 9 of the Coal Bearing Areas (Acquisition & Development) Act 1957 (20 of 1957), for an area of 3070.00 acres (approx.) or 1242.36 hectares (approx.), published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 1st August, 1981, the lands and rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act.

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi (hereinafter referred to as the said Government Company), is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the lands and rights so vested shall, with effect from the 1st August, 1981, instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions namely :-

- (1) the said company shall reimburse the Central Government all payment made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights in or over the said lands so vested shall also be borne by the said company;

- (3) the said company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested;
- (4) the said Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
- (5) the said Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 19/58/80—CL/PRIW]
SANJAY BAHADUR, Dy Secy

नई दिल्ली, 11 मार्च, 2002

का. आ. 964.— केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 680 तारीख 20 मार्च, 2001 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (II) तारीख 31 मार्च, 2001 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और ऐसी भूमि में या उस पर के समस्त अधिकारों के अर्जन करने के आशय की सूचना दी थी ।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 334.13 हेक्टर (लगभग) या 825.64 एकड़ (लगभग) माप वाली भूमि और अर्जित ऐसी भूमि में या उस पर के समस्त अधिकार अर्जित किए जाने चाहिए ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 334.13 हेक्टर (लगभग) या 825.64 एकड़ (लगभग) माप वाली भूमि और अर्जित ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-1(ई) III/जेजेजेआर/689- 0801 तारीख 11 अगस्त, 2001 का निरीक्षण कलेक्टर, चन्द्रपुर, (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता (पिन - 700 001) के कार्यालय में, या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिविल लाईन्स, नागपुर - 440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है ।

अनुसूची
गौरी डीप ओपन-कास्ट परियोजना
बल्लारपुर क्षेत्र
जिला चन्द्रपुर (महाराष्ट्र)

(रेखांक सं. सी.-I(ई) III/जेजेजेआर/689- 0801 तारीख 11 अगस्त, 2001)

सभी अधिकार

क्रम. संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	गोयगांव	6	राजुरा	चन्द्रपुर	106.32	भाग
2	मुठरा	6	राजुरा	चन्द्रपुर	34.07	भाग
3	अंतरगांव (खुर्दी)	7	राजुरा	चन्द्रपुर	193.74	भाग

कुल क्षेत्र: 334.13 हेक्टर (लगभग)

या

825.64 एकड़ (लगभग)

ग्राम गोयगांव में अर्जित किये गये प्लॉट संख्यांक:

84,85, 86, 125/1 भाग, 126 भाग, 127 भाग, 132 भाग, 133/1 भाग, 133/4 भाग, 134/1ख भाग, 135/1 भाग, 135/2 भाग, 136/1क भाग, 136/1ख भाग, 136/2 भाग, 137/1- 137/2 भाग, 138/1- 138/2- 138/3- 138/4, 139/1- 139/2- 139/3- 139/4- 139/5, 140, 141/1क- 141/1ख- 141/1ग- 141/2क- 141/2ख, 142/1- 142/2, 143/1- 143/2क- 143/2ख, 144/1- 144/2, 145/1- 145/2, 146/1- 146/2- 146/3, 147,148,149, 150, 155, 156/1- 156/2- 156/3, 157, 158/1- 158/2, 159, 160/1- 160/2, 161, 162/1- 162/2- 162/3- 162/4, 163/1क- 163/1ख- 163/2, 164/1- 164/2- 164/3- 164/4, 165/1- 165/2- 165/3- 165/4, 166/1- 166/2, 167 से 175, 176/1क- 176/1ख- 176/2, 177/1- 177/2, 178/1- 178/2- 178/3, 183/1क- 183/1ख-183/2- 183/3- 183/4, 184/1- 184/2- 184/3, सड़क भाग ।

ग्राम मुठरा में अर्जित किये गये प्लॉट संख्यांक:

8, 9, 10/1- 10/2, 11, 12, 13/1- 13/2, 14, 26, 27, 28/1- 28/2- 28/3- 28/4, 29/1- 29/2- 29/3- 29/4- 29/5, 30/1- 30/2, 244, 245/1- 245/2- 245/3-245/4- 245/5.

ग्राम अंतरगांव (खुर्द) में अर्जित किये गये प्लॉट संख्यांक:

6/1- 6/2- 6/3- 6/4- 6/5, 7, 8/1- 8/2, 16/1- 16/2- 16/3- 16/4- 16/5- 16/6, 19, 20, 34/1- 34/2- 34/3, 35/1- 35/2- 35/3, 36/1- 36/2- 36/3- 36/4- 36/5, 37/1क- 37/1ख- 37/1ग- 37/1घ- 37/1ङ- 37/1च- 37/2, 40,41,42, 43, 44/1- 44/2, 45 से 48, 49/1क- 49/1ख- 49/2, 50/1- 50/2क- 50/2ख- 50/3-1- 50/3-2- 50/3-3- 50/3-4, 51/1- 51/2- 51/3- 51/4, 52/1- 52/2, 53, 54/1- 54/2, 55/1- 55/2, 56/1- 56/2, 57/1- 57/2, 58/1- 58/2- 58/3- 58/4- 58/5, 59, 60, 61/1- 61/2, 62, 63/1- 63/2- 63/3- 63/4, 64, 65/1- 65/2, 66, 67/1- 67/2, 68,69,70, 71, 72/1- 72/2, 73,74,75, 76, 77/1- 77/2- 77/3, 78 से 83, 84/1- 84/2, 85,86,87,88,89,90, 91/1- 91/2, 92/1- 92/2- 92/3- 92/4- 92/5, 93/1- 93/2, 94/1- 94/2- 94/3, 95/1- 95/2, 96/1क- 96/1ख- 96/1ग- 96/2- 96/3- 96/4, 97/1- 97/2- 97/3- 97/4, 98, 99/1- 99/2- 99/3, 100/1- 100/2- 100/3- 100/4, 101/1- 101/2, 102/1- 102/2- 102/3- 102/4, 103, 104/1- 104/2, 105/1- 105/2, 106/1- 106/2- 106/3, 107/1क- 107/1ख- 107/2, 108/1- 108/2- 108/3- 108/4, 109/1- 109/2- 109/3- 109/4, 110/1- 110/2- 110/3- 110/4, 111, 112, सडक भाग.

सीमा वर्णन:

- क - ख: रेखा 'क' बिन्दु से आरंभ होती है और ग्राम अंतरगांव (खुर्द) से होकर जाती है और प्लॉट संख्या 6/1- 6/2- 6/3- 6/4- 6/5, 8/1- 8/2, 16/1- 16/2- 16/3- 16/4- 16/5- 16/6 की बहारी सीमा के साथ जाती है और बिन्दु 'ख' पर मिलती है ।
- ख - ग: रेखा ग्राम अंतरगांव (खुर्द) से होकर जाती है और प्लॉट संख्या 16/1- 16/2- 16/3- 16/4- 16/5- 16/6, 19, 20, 34/1- 34/2- 34/3, 50/1- 50/2क- 50/2ख- 50/3-1- 50/3-2- 50/3-3 50/3-4, की बाहरी सीमा के साथ जाती है, फिर ग्राम गोयगांव और अंतरगांव (खुर्द) की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु 'ग' पर मिलती है ।
- ग - घ: रेखा ग्राम गोयगांव से होकर जाती है और प्लॉट संख्या 184/1- 184/2- 184/3, 183/1क- 183/1ख- 183/2- 183/3- 183/4, 178/1- 178/2- 178/3, 174, 173, 172, 155, 156/1- 156/2- 156/3, 148, 149, 150, 146/1- 146/2- 146/3, 84, 85, 86, 126 की बाहरी सीमा के साथ जाती है और बिन्दु 'घ' पर मिलती है ।

- घ - ड.: रेखा ग्राम गोयगांव से होकर जाती है और प्लॉट संख्या 126, 125/1, 127, 132, 133/4, 133/1, 134/1ख, 135/1, 135/2, 136/2, 136/1ख, 136/1क, 137/1-137/2 में से होकर जाती है और बिन्दु " ड. " पर मिलती है ।
- ड. - च: रेखा ग्राम गोयगांव और मुठरा की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और ग्राम मुठरा से होती हुई जाती है और प्लॉट संख्या 30/1- 30/2, 26, 27, 14, 13/1-13/2, 12, 11, 8, 9, 245/1- 245/2- 245/3- 245/4- 245/5 की बाहरी सीमा के साथ जाती है और बिन्दु " च " पर मिलती है ।
- च - छ: रेखा, नाले के पूर्वी किनारे के साथ होती हुई ग्राम मुठरा से होकर जाती है और प्लॉट संख्या 245/1- 245/2- 245/3- 245/4- 245/5 की बाहरी सीमा के साथ जाती है फिर नाले के पूर्वी किनारे के साथ होती हुई, ग्राम अंतरगांव (खुर्द) की ओर आगे बढ़ती है, और प्लॉट संख्या 112, 111, 110/1- 110/2- 110/3- 110/4, 67/1- 67/2, 66, 65/1- 65/2, 64, 63/1- 63/2- 63/3- 63/4 की बाहरी सीमा के साथ जाती है और बिन्दु " छ " पर मिलती है ।
- छ - क: रेखा ग्राम अंतरगांव (खुर्द) से होकर जाती है और प्लॉट संख्या 63/1- 63/2- 63/3- 63/4 की बाहरी सीमा के साथ जाती है, सड़क पार करती है और प्लॉट संख्या 43, 44/1- 44/2, 42, 41, 40, 37/1क- 37/1ख- 37/1ग- 37/1घ- 37/1ड.- 37/1च- 37/2, 6/1- 6/2- 6/3- 6/4- 6/5 की बाहरी सीमा के साथ जाती है फिर नाले के पूर्वी किनारे के साथ होती हुई जाती है और प्लॉट संख्या 6/1- 6/2- 6/3- 6/4- 6/5 की बाहरी सीमा के साथ जाती है और आरंभिक बिन्दु " क " पर मिलती है ।

[फा. सं. 43015/8/99-पी. आर. आई. डब्ल्यू.]

संजय बहादुर, उप सचिव

New Delhi, the 11th March, 2002

S. O. 964.— Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 680, dated the 20th March, 2001, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part – II, Section- 3, Sub-section (ii), dated the 31st March, 2001, the Central Government gave notice of its intention to acquire lands and all rights in the locality specified in the Schedule appended to that notification ;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government ;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Maharashtra is satisfied that the lands measuring 334.13 hectares (approximately) or 825.64 acres (approximately) and all rights in or over such lands as described in Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 334.13 hectares (approximately) or 825.64 acres (approximately) and all rights in or over such lands as described in Schedule are hereby acquired.

The plan bearing number C-I (E)III/JJR/689- 0801, dated the 11th August, 2001 of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra).

Schedule

Gouri Deep Open-Cast Project
Ballarpur Area
District – Chandrapur (Maharashtra)

(Plan No. C-I(E)III/JJR/689- 0801 dated the 11th August, 2001)

All Rights

Serial Number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Goigaon	6	Rajura	Chandrapur	106.32	Part
2	Mutra	6	Rajura	Chandrapur	34.07	Part
3	Antargaon (Khurd)	7	Rajura	Chandrapur	193.74	Part

Total area : 334.13 hectares
(approximately)
or
825.64 acres
(approximately)

Plot numbers acquired in village Goigaon :

84, 85, 86, 125/1 part, 126 part, 127 part, 132 part, 133/1 part, 133/4 part, 134/1B part, 135/1 part, 135/2 part, 136/1A part, 136/1B part, 136/2 part, 137/1- 137/2 part, 138/1- 138/2- 138/3- 138/4, 139/1- 139/2- 139/3- 139/4- 139/5, 140, 141/1A- 141/1B- 141/1C- 141/2A- 141/2B, 142/1- 142/2, 143/1- 143/2A- 143/2B, 144/1- 144/2, 145/1- 145/2, 146/1- 146/2- 146/3, 147, 148, 149, 150, 155, 156/1- 156/2- 156/3, 157, 158/1- 158/2, 159, 160/1- 160/2, 161, 162/1- 162/2- 162/3- 162/4, 163/1A- 163/1B- 163/2, 164/1- 164/2- 164/3- 164/4, 165/1- 165/2- 165/3- 165/4, 166/1- 166/2, 167 to 175, 176/1A- 176/1B- 176/2, 177/1- 177/2, 178/1- 178/2- 178/3, 183/1A- 183/1B- 183/2- 183/3- 183/4, 184/1- 184/2- 184/3, Road Part.

Plot numbers acquired in village Mutra :

8, 9, 10/1- 10/2, 11, 12, 13/1- 13/2, 14, 26, 27, 28/1- 28/2- 28/3- 28/4, 29/1- 29/2- 29/3- 29/4- 29/5, 30/1- 30/2, 244, 245/1- 245/2- 245/3- 245/4- 245/5.

Plot numbers acquired in village Antargaon (Khurd) :

6/1- 6/2- 6/3- 6/4- 6/5, 7, 8/1- 8/2, 16/1- 16/2- 16/3- 16/4- 16/5- 16/6, 19, 20, 34/1- 34/2- 34/3, 35/1- 35/2- 35/3, 36/1- 36/2- 36/3- 36/4- 36/5, 37/1A- 37/1B- 37/1C- 37/1D- 37/1E- 37/1F- 37/2, 40, 41, 42, 43, 44/1- 44/2, 45 to 48, 49/1A- 49/1B- 49/2, 50/1- 50/2A- 50/2B- 50/3-1- 50/3-2 – 50/3-3 – 50/3-4, 51/1- 51/2- 51/3- 51/4, 52/1- 52/2, 53, 54/1- 54/2, 55/1- 55/2, 56/1- 56/2, 57/1- 57/2, 58/1- 58/2- 58/3- 58/4- 58/5, 59, 60, 61/1- 61/2, 62, 63/1- 63/2- 63/3- 63/4, 64, 65/1- 65/2, 66, 67/1- 67/2, 68, 69, 70, 71, 72/1- 72/2, 73, 74, 75, 76, 77/1- 77/2- 77/3, 78 to 83, 84/1- 84/2, 85, 86, 87, 88, 89, 90, 91/1- 91/2, 92/1- 92/2- 92/3- 92/4- 92/5, 93/1- 93/2, 94/1- 94/2- 94/3, 95/1- 95/2, 96/1A- 96/1B- 96/1C- 96/2- 96/3- 96/4, 97/1- 97/2- 97/3- 97/4, 98, 99/1-99/2- 99/3, 100/1- 100/2- 100/3- 100/4, 101/1- 101/2, 102/1- 102/2- 102/3- 102/4, 103, 104/1- 104/2, 105/1- 105/2, 106/1- 106/2- 106/3, 107/1A- 107/1B- 107/2, 108/1- 108/2- 108/3- 108/4, 109/1- 109/2- 109/3- 109/4, 110/1- 110/2- 110/3- 110/4, 111, 112, Road Part.

Boundary description :

- A – B : Line starts from point 'A' and passes through village Antargaon (Khurd) and passes along the outer boundary of plot numbers 6/1- 6/2- 6/3- 6/4- 6/5, 8/1- 8/2, 16/1- 16/2- 16/3- 16/4- 16/5- 16/6 and meets at point 'B'.
- B – C : Line passes through village Antargaon (Khurd) and passes along the outer boundary of plot numbers 16/1- 16/2- 16/3- 16/4- 16/5- 16/6, 19, 20, 34/1- 34/2- 34/3, 50/1- 50/2A- 50/2B- 50/3-1- 50/3-2- 50/3-3- 50/3-4 then passes along the common village boundary of villages Goigaon and Antargaon (Khurd) and meets at point 'C'.
- C – D : Line passes through village Goigaon and passes along the outer boundary of plot numbers 184/1- 184/2- 184/3, 183/1A- 183/1B- 183/2- 183/3- 183/4, 178/1- 178/2- 178/3, 174, 173, 172, 155, 156/1- 156/2- 156/3, 148, 149, 150, 146/1- 146/2- 146/3, 84, 85, 86, 126 and meets at point 'D'.
- D – E : Line passes through village Goigaon and passes in plot numbers 126, 125/1, 127, 132, 133/4, 133/1, 134/1B, 135/1, 135/2, 136/2, 136/1B, 136/1A, 137/1- 137/2 and meets at point 'E'.

- E – F : Line passes along the common village boundary of villages Goigaon and Mutra, then passes through village Mutra along the outer boundary of plot numbers 30/1-30/2, 26, 27, 14, 13/1- 13/2, 12, 11, 8, 9, 245/1- 245/2- 245/3- 245/4- 245/5 and meets at point 'F'.
- F – G : Line passes through village Mutra along the eastern bank of nallah and passes along the outer boundary of plot number 245/1- 245/2- 245/3- 245/4- 245/5 then proceeds through village Antargaon (Khurd) along the eastern bank of nallah and passes along the outer boundary of plot numbers 112, 111, 110/1- 110/2- 110/3- 110/4, 67/1- 67/2, 66, 65/1- 65/2, 64, 63/1- 63/2- 63/3- 63/4 and meets at point 'G'.
- G – A : Line passes through village Antargaon (Khurd) and passes along the outer boundary of plot number 63/1- 63/2- 63/3- 63/4, crosses road and passes along the outer boundary of plot numbers 43, 44/1- 44/2, 42, 41, 40, 37/1A- 37/1B- 37/1C- 37/1D- 37/1E- 37/1F 37/2, 6/1- 6/2- 6/3- 6/4- 6/5 then passes along the eastern bank of nallah and along the outer boundary of plot number 6/1- 6/2- 6/3- 6/4- 6/5 and meets at starting point 'A'.
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[No. 43015/8/99—PR\W]
SANJAY BAHADUR, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 19 फरवरी, 2002

का.आ.965:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गर्वमेंट ओपियम एवं अल्कालॉयड वर्क्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 159/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2002 को प्राप्त हुआ था ।

[सं. एल-42012/152/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 19th February, 2002

S.O. 965.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Government Opium and Alkaloid Works and their workman, which was received by the Central Government on 19-2-2002.

[No. L-42012/152/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW
PRESENT :

Rudresh Kumar, Presiding Officer.

I.D. No. 159/2000

Ref. No. L-42012/152/2000/IR(DU)

dated 28-9-2000

BETWEEN

Shri Ashrafullah S/o Shri Abdullah R/o Mohalla
Kaji Tola, P.O. Ghazipur City, Gazipur,
(U.P.)-226010.

AND

The General Manager, Government Opium and
Alkaloid Works, Gazipur.

AWARD

By Order No. L-42012/152/2000/IR(DU) dated 28-9-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) and of Sub-section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Ashrafullah S/o Abdullah and the Gene-

710 GI/2002—18

ral Manager, Government Opium and Alkaloid Works, Gazipur for adjudication.

The reference under adjudication is as under :

“Whether the action of the management of Government Opium and Alkaloid Works, Ghazipur in terminating the services of Shri Ashrafullah, w.e.f. 7-1-94 is justified? If not, to what relief the workman is entitled?”

2. Admitted facts are; that the workman, Ashrafullah, was appointed as casual worker in Government Opium and Alkaloid Works Undertaking, Ghazipur on 16-4-88. Four categories of workers are recognised under the certified Standing Orders of the establishment viz : (a) Permanent Workers, (b) Temporary Workers, (c) Casual Workers; and (d) Seasonal Workers. The workman continuously served as casual worker since his appointment till 7-1-94. On a report of Central Industrial Security Force Staff alleging theft of 35 gram opium on search from the workman, his services were terminated on 7-1-94. The management, also lodged a criminal case with the Kotwali Police under the NDPS Act, which was investigated and a charge sheet was submitted. The workman was tried before the Additional District Judge and was acquitted on 19-1-96 by the said Court.

3. The main plea of the workman, is, that on his honourable acquittal on merit, the very base causing his termination stood evaporated and so he is entitled to reinstatement as casual worker. He was duly selected on the said post by prescribed procedure and was working till his termination. The Central Industrial Security Force in unholy league with the management falsified a criminal case under 21 NDPS Act, which resulted into acquittal with clear finding that the recovery was false and motivated.

4. The management has refuted workman's allegations that he was implicated in a falsified case or there existed any motive to falsify a case against him. He was found in unlawful and unauthorised possession of 35 gram Opium while passing from the outer gate of the factory and his search yielded recovery of the contraband. The management after satisfying itself with the report, lodged F.I.R. against the workman and also terminated his services as casual worker. It is admitted that the workman was acquitted by the court on some minor contradictions but this exigency will not entitle him reinstatement or continuity in service. Recovery was effected from him by Central Industrial Security Force which was an independent unit assigned to look after security of the factory and prevent pilferage etc. The workman had confessed his guilt before the Central Industrial Security Force which formed basis of his termination. The decision of the court, thus, cannot wash out admission of the workman and so the workman is not entitled to be reinstated. It is pleaded that Rule 12(b) of the certified Standing Orders did not require any departmental enquiry on misconduct committed by the workman. The workman is not entitled to reinstatement, simply, on his acquittal in the criminal case under the NDPS Act.

4. As discussed above the facts are admitted. The only question requiring consideration is, whether the

workman is entitled to benefit of reinstatement/continuity in service as casual worker on his acquittal in criminal case under Section 21 NDPS Act?

6. Admittedly, termination of services was based on unauthorised and unlawful recovery which also formed basis of criminal prosecution. The decision of the criminal court is on merit. Learned judge discussed evidence tendered by prosecution and held the alleged recovery unbelievable. This decision was not challenged. Thus, it be safely inferred that there was no recovery under law. The management did not enquire into the recovery or judged suitability of the workman but solely acted on report of Central Industrial Security Force which was held untrustworthy. Since the very basis of termination is rendered nonest on acquittal, the workman is entitled to reinstatement.

7. The Government Opium and Alkaloid Works Undertaking adopted its certified Standing Orders under the Industrial Standing Orders Act, 1946. Four categories of employees are mentioned including casual workers. Thus, the casual workers have lien unlike casual labour engaged as per exigencies of works. The workman on selection was appointed as a casual worker, so derived lien over the said post under the certified Standing Orders. According to Rule 12(b) the services of a casual worker engaged on monthly, weekly or daily basis may be dispensed with, without any notice or pay in lieu of the notice. The management argues that the workman was a casual worker on whom Rule 12(b) was applicable. The management was not under obligation to issued any show cause notice to him and was empowered to terminate his services outright without any notice. Acquittal of the workman in criminal case will not nullify his termination under Rule 12(2).

8. This submission is totally misconceived. Rule 12(2) does not give arbitrary power to terminate any casual worker at will. If termination was punitive, it was imperative for the management to have satisfied itself after show cause notice. The management lodged F.I.R., thus leaving to judicial courts to judge correction and bona fides of recovery. It did not make its own enquiry. On acquittal, the very basis of the alleged recovery became nonest fact. Hence the action of the management terminating services with or without notice had no meaning and ceased to have legal force.

9. As such, the workman is entitled to reinstatement as casual worker with full back wages.

Lucknow,

12-2-2002.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 19 फरवरी, 2002

का.आ. 966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी एम डी. कैंटीन गवर्जित आगरा कैंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनबंद में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद (संदर्भ संख्या 85/98) को

प्रकटित करती है, जो केन्द्रीय सरकार को 19-2-2002 को प्राप्त हुआ था।

[एल-14012/19/97-आई.आर. (डी.यू.)]

कुल्दीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th February, 2002

S.O. 966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/98) of the Central Government Industrial Tribunal-Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CSD Canteen Shatrughn Agra Cantt. and their workman, which was received by the Central Government on 19-2-2002.

[No. L-14012/19/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT SARVODAYA NAGAR KANPUR

Industrial Dispute No. 85 of 1998

In the matter of dispute between—

Smt. Vilasini Ravindran
22 A Defence Colony
Agra Cantt.

AND

The Canteen Officer
Shatrughn Canteen
9 Shivaji Road,
Agra Cantt.
Agra.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide Ref. No. L-14012/19/97-IR (DU) dated 17-4-98 has referred the following dispute for adjudication to the tribunal—

“Whether the action of the management of CSD Canteen Shatrughn Agra Cantt. to terminate the service of Smt. Vilasini Ravindran, Billing Clerk is legal and justified? If not, she is entitled to what relief?”

2. The concerned workman has filed statement of claim with the allegations that she worked continuously at the post of Billing Clerk with effect from 9-1-90 to 31-5-95 without any break and had performed her work satisfactorily and she was issued an experience certificate dated 1-2-95. It has been alleged by her that she continued to work more than five years continuously and had completed more than 240 days but the management had illegally dispensed with her services with effect from 1-2-95 without any notice, without any charge sheet, without conducting domestic enquiry and thus acted

against the principles of natural justice. It has further been alleged by her in her statement of claim that while terminated the services of the concerned workman the management did not comply with the provisions of section 25G of the Industrial Disputes Act and a junior employee Baldeo Singh son of Bhag Singh who was appointed at the same post on 1-9-91 continued to work after her termination. The management has also appointed one another person by name Sri Rajesh after her termination from the service and the management thereby committed breach of provisions of section 25H of the Act. On the basis of these allegations it had been prayed by her that she may be reinstated in service with full back wages and all consequential benefits.

3. The management has filed written statement with the allegations that the concerned workman was not appointed as regular and permanent employee. The appointment of the concerned workman was made in July, 1992, which was purely temporary, and on ad hoc basis for a period of two years, which was extendable by a period of one year or more. The concerned workman was paid consolidated salary alongwith other benefits as mentioned in the Standing Operating Proceedings. It has been alleged that the concerned workman was paid cash incentive on receipts of quantitative discount equivalent to one months pay and allowance and no bonus was ever paid to her. The services of the concerned workman were not extended beyond two years but the continued in the employment. Thus her continuation in the employment during the extended period was absolutely ad hoc in nature. It has been further alleged by the management that the concerned workman is not a workman and no industrial dispute exist between the parties as the workman was discharging the functions of managerial nature. It has also been alleged that the Unit canteens are not commercial or Industrial establishments and these are primarily welfare measures organised at the unit level for the constituents of the unit. It has been alleged that by the very nature and concept the unit canteens are themselves a temporary arrangement. It has been alleged by the management in para 9 of their written statement that as per Government of India Office Memorandum No. BOCCS/00181/Q/CAN/D (Mov) dated November, 7, 1977, unit run canteens are private undertakings of respective units and their funds are non government funds and the Canteen Stores Department has no administrative control over the unit canteens or their personnel who are employed by the units under various terms and conditions mutually settled between the units and the employees. It has further been alleged that the units are not State instrumentalities nor government establishment, the employees are not government servants and the Central Government has no control over their service conditions and has no jurisdiction over the service conditions of employees. Shatrughat Canteen is also a unit run canteen. It has been denied by the management that it has violated the provisions of section 25 G and H of the Act on the ground that the services of the concerned workman stood determined on expiry of two years from the date of his appointment unless the same were formally extended each year, hence question of retrenchment does not arise. The concerned workman is not entitled to continue against any regular or permanent post.

On the basis of these allegations, it has been prayed by the management that the claim of the concerned workman be rejected.

4. The concerned workman has filed rejoinder in which she has reiterated the facts alleged by her in the claim statement.

5. The concerned workman filed affidavit and examined herself as W.W.1 and filed a few documents in support of her case.

6. As the management stopped appearing in the case after 25-7-2000, the case proceeded ex parte against the management.

7. I have heard the authorised representative for the concerned workman and have gone through the record of the case. The concerned workman has proved her case by filing evidence on affidavit. From her evidence as well as from the admission of the management in their written statement it has been proved that the concerned workman continuously worked under the management more than 240 days preceding the date of termination of her service. It has also been admitted by the management that at the time of termination of her service of the concerned workman no notice or notice pay or retrenchment compensation was paid to her. In this way according to the own admission on the part of the management it is established that the provisions of section 25F of the Act have been breached. As none appeared from the side of the management to rebut the evidence adduced by the concerned workman I have no hesitation in holding that the termination of the service of the concerned workman with effect from 1-2-95 is bad in law being in violation of the provisions of section 25F of the Act and is liable to be set aside.

8. The workman has also proved the fact that after her termination the management engaged Rajesh. Thus from the un-rebutted evidence of the concerned workman it is also proved that the management has also breached the provisions of section 25H of the Act.

9. In view of above considerations the action of the management in terminating the service of the concerned workman with effect from 1-2-95 is held as illegal and void and the concerned workman is held entitled for reinstatement in service with full back wages and all consequential benefits. Accordingly the management is directed to reinstate the concerned workman in service and to pay her arrears of back wages within a period of one month from the date of publication of the award in the Official Gazette.

10. Reference is answered accordingly.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 19 फरवरी, 2002

का.आ. 967:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियरिंग, मिलिट्री इंजीनियरिंग सर्विस के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 367/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2002 को प्राप्त हुआ था।

[सं एल-14011/31/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th February, 2002

S.O. 967.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 367/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in Annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer, Military Engineering Service and their workman, which was received by the Central Government on 19-2-2002.

[No. L-14011/31/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st January, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

INDUSTRIAL DISPUTE NO. 367/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri S. Anandaraj and the Management of the Garrison Engineers, Naval Air Station, Arakkonam.)

BETWEEN

Shri S. Anandaraj : I Party/Workman.

AND

The Garrison Engineers, : II Party/Management.
Naval Air Station, Arakkonam.

APPEARANCE :

For the Workman : Unrepresented.

For the Management : Unrepresented.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-14011/31/2000-IR(DU) dated 27-12-2000 :—

“Whether the action of the Garrison Engineer, Military Engineering Service, INS Rajali,

Arakkonam in terminating the services of Shri S. Anandaraj, who has been engaged through Pilani Enterprises for operation and maintenance of DG sets w.e.f. 19-11-99 is legal and justified? If not, to what relief the workman is entitled?”

2. On receipt of the order of reference from the Ministry of Labour, the case has been taken on file as I.D. No. 367/2001 and notices were sent to both the parties to the dispute, with a direction to appear before this Tribunal on 15-2-2001 to prosecute this case further. On that date, the I Party/Workman and his representative were present. But neither the II Party nor the representative from the Management was present. The I Party/Workman has not chosen to file his Claim Statement. Though the case has been adjourned to various dates of hearings for filing of Claim Statement of the I Party/Workman, no claim statement was filed. Though a representative was present for the I Party/Workman on subsequent dates of hearing, he has not chosen to file any authorisation or any Claim Statement on behalf of the I Party/Workman. In spite of various notices were sent to the II Party/Management to different dates of hearings by registered post with acknowledgement due and they were duly served on the II Party/Management, no one for the Management appeared before this Tribunal and has chosen to file the objections, if any to the claim made by the I Party/Workman as referred to in the Scheduled mentioned industrial dispute.

3. When the matter was taken up finally on 31-1-2002, to pass orders on the basis of available materials, both the parties were not present. No representation was made on either side. Neither the Claim State of the I Party/Workman nor the Statement of Objection of the II Party/Management filed, in spite of notices sent by Registered Post to both the parties and were duly served. Hence, this Tribunal has left with no option but to give a disposal of this case on the basis of the available materials. Since both sides to this dispute evinced no interest to prosecute this case before this Tribunal, ever since the beginning, this case is closed and accordingly, an award is passed holding that ‘no dispute’ now exists between the parties, as referred to in the Schedule of Reference as an industrial dispute for adjudication by this Tribunal.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st January, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None.

Documents Marked :—

On either side : Nil.

Sd/-

Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

AWARD

का.आ. 968.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्टिलरी सेन्टर, नासिक रोड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी.जी.आई.टी.-2/61 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं.एल-14012/3/2001-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 968.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/61 of 2001) of the Central Government Industrial Tribunal/Labour Court No. II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Artillery Centre, Nashik Road and their workman, which was received by the Central Government on 20-2-2002.

[No. L-14012/3/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI (CAMP : PUNE)

PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/61 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF THE OFFICER-IN-CHARGE (Civs) HEADQUARTERS

The Officer-in-Charge (civs.),
Headquarters,
Artillery Centre,
P.O. : Nashik Road Camp,
Nashik (Maharashtra) 422 102.

AND

THEIR WORKMEN

Mr. Kisan Murlidhar Korade,
89, Sukapar Patha,
Distt. Bhagur,
Bhuj-422 502.

APPEARANCES :

For the Employer : Mr. V. Narayanan, Advocate.

For the Workmen : No Appearance.

Camp : Pune, Dated 1st February, 2002

The Government of India, Ministry of Labour by its Order No. L-14012/3/2001/IR(DU), dated 27-4-2001, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Artillery Centre, Nashik Road, in terminating the services of Mr. Kisan Murlidhar Korade, Ex-Barber w.e.f. 8-7-85 is legal and justified? If not, to what relief the workman concerned is entitled?"

2. Pursuant to the notice workman, Korade and the management Artillery Centre, Nashik Road, appeared before the Tribunal on 7-8-2001 and consequently matter was fixed for filing Statement of Claim by workman. It is seen from the record workman did not put Statement of Claim at Mumbai, though sufficient time given. Since the matter pertain to Nashik Road, it was fixed at Nashik Camp, on 12-12-2001 to 14-12-2001. However, though he appeared there, did not put Statement of Claim, and when the matter was fixed at Pune camp though he received notices vide (Exhibit-18), did not turn up nor put Statement of Claim which shows workman is not interested in prosecuting the reference and therefore, the following order is passed :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

का.आ. 969.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय पुरातत्व सर्वेक्षण विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 195/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं.एल-42012/196/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 969.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 195/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 20-2-2002.

[No. L-42012/196/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute case No. 195/2001

Date of conclusion of hearing—16th Jan. 2002

Date of Passing Award—14th Feb. 2002

BETWEEN

The Management of Archaeological
Survey of India, Horticulture
Division No. 4,

Lewis Road, Near Ravi Talkies,
Bhubaneswar, Dist. Khurda. ...1st Party-
Management.

AND

Their Workman, Shri Golakha Bihari
Bhoi, S/o. Kailash Bhoi,
At/Po. Chanahat, Via, Balipatna,
Dist. Khurda-752 115. ...2nd Party-
Workman.

APPEARANCES :

Shri Shankar Pradhan, Foreman (H),
Horticulture Division
No. IV, BBSR .. For the 1st Party-
Management.

Shri Golakha Bihari Bhoi .. For Himself-
Workman.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-42012/196/98/IR(DU), Dated 24/28-12-1998.—

“Whether the action of the management of Archaeological Survey of India in refusing to engage Shri Golakha Bihari Bhoi is legal and justified? If not, what relief the workman is entitled to?”

2. The case of the 2nd Party-Workman is that, he was working as N.M.R. Gardener under the 1st Party-Management from 31-7-1990 to 20-2-1996 and received a sum of Rs. 1455 per month towards his wages. He worked under the 1st Party-Management about six years. He and 29 others filed a case before the Central Administrative Tribunal for their regularization. When the case was pending he was refused employment with effect from 21-2-1996 along with others, without compliance of Section 25-F (a) (b), 25-G and 25-H of the Industrial Dispute Act. The principle of natural justice has not been followed by the 1st Party-Management. It is further pleaded that the 1st Party-Management has given employment to

20 others who were junior to him. The Central Administrative Tribunal directed the 1st Party-Management to prepare a graduation list and accordingly a list was prepared on 31-10-1997 but it was defective. Though the 1st Party-Management admitted his mistake but no correction was made. He raised the dispute demanding the removal and claimed for reinstatement with back wages and for other benefits from 21-2-1996.

3. The 1st Party-Management has filed the Written statement. They have taken the stand that, the 2nd Party-Workman was a seasonal casual worker. His engagement was required on the availability of the work in ancient gardens. He has not worked continuously for 240 days. A graduation list was prepared by them as per the direction of the Central Administrative Tribunal in respect of the Workman and the name of the 2nd Party-Workman was found place at Sl. No. 35 of the graduation list. The employment has been given according to the seniority of the list but the turn of the 2nd Party-Workman has not reached for which he has not given employment. The allegation of the 2nd Party-workman, that some juniors have been appointed has been denied.

4. On the above pleadings of the parties the following Issues have been settled.

1. Whether the action of the Management in refusing to engage Shri Golakha Bihari Bhoi is legal and justified?
2. Whether the Organisation of the Management is coming under the definition of Industry?
3. Whether the Disputant is a Workman under him?
4. If not, what relief the Workman is entitled to?

5. The 2nd Party-Workman has examined himself and exhibited some documents. No evidence has been adduced on behalf of the 1st Party-Management.

FINDINGS

ISSUE NO. II & III

6. As regards Issue No. II & III, it is not been pressed on behalf of the 1st Party-Management. Hence, no findings will be necessary in respect of these two issues.

ISSUE NO. I

7. The 2nd Party-Workman in his evidence has stated that, he has worked from June 1990 till 20-2-1996 and he was being paid Rs. 25 per day and subsequently he was paid at the rate of Rs. 51.42 Paise per day. His evidence does not disclose specifically how many days he had worked in a calendar year. His only submission is that he had worked from June 1990 till 20-2-1996 and he has completed 240 days without any break in a calendar year. On the other hand the 1st Party-Management has exhibited some documents, which has been marked as Ext.-A, which discloses that, the days worked by the 2nd Party-Workman. The exhibit reveals that, he has worked less than 240 days in a calendar year. This has not been disputed nor has been rebutted by the 2nd Party-Workman. It is submitted on behalf of the 1st Party-Management that, the engagement of the

2nd Party-Workman was needed on the availability of the work in different gardens in a particular period. So, they have taken the stand that, the work being seasonal and the engagement being dependent on the availability of the work, the claim of the 2nd Party-Workman for regularization does not arise.

8. The grievance of the 2nd Party-Workman is that, the gradation list prepared by the 1st Party-Management as per the direction of the Central Administrative Tribunal is defective and has been prepared without application of mind. If, that is the case, this Tribunal has got no power to declare the gradation list as invalid as this is not the subject matter of the reference. If the 2nd Party-Workman was aggrieved he could have taken the shelter before the Central Administrative Tribunal for quashing of the said gradation list but that has not been done. I am of the opinion that the engagement of the 2nd Party-Workmen being casual in nature depending on the availability of the work till disengagement is not come under the definition of retrenchment. In that case, he would have no right to claim the post. When the engagement of the 2nd Party-Workman is casual in nature depending upon the availability of the work he has got no right for notice or compensation before termination as required under section 25-F of the Industrial Disputes Act. On the other words, the action of the 1st Party-Management in refusing employment to Shri Golakha Bihari Bhoi, the 2nd Party-Workman is legal and justified. This Issue is answered accordingly.

ISSUE NO. IV

9. In view of my findings given in respect of Issue No. 1 the 2nd Party-Workman (Shri Golakha Bihari Bhoi) is not entitled for any relief. This issue is also answered in favour of the 1st Party-Management.

10. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

का.आ. 970.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय प्रजातन्त्र सर्वेक्षण विभाग के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अन्तर्ध में में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट (संदर्भ संख्या 69/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं.एल-42012/239/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/99) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the

employers in relation to the management of Archaeological Survey of India and their workman which was received by the Central Government on 20-2-2002.

[No. L-42012/239/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT "SHRAM SADAN", III MAIN,
III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 4th February, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE

C. R. No. 69/99

I PARTY :

Shri Srikantappa Bin Basappa,
Amruthapura,
Amruthapura Post,
Tarikere Taluk,
Chickmagalur-577228
Advocate—R. Srinivasa.

II PARTY :

The Superintending Archaeologist,
Archaeological Survey of India,
Kendriya Sadan,
Vth Floor,
'F' Wing,
Koramangala,
Mangalore-560034
Advocate—Ravi Jagan.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. 42012/239/98/IR(DU) dated 2nd December, 1999 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Department of Archaeological Survey of India, Bangalore Circle, in terminating the services of Shri Srikantappa Bin Basappa, Ex-Casual Labourer is legal and justified? If not, to what relief the workman is entitled?"

2. First party was engaged as a Casual Labourer with the Second Party. His services were terminated and therefore, industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. It is the case of the first party that he was engaged as Casual Labourer in the year 1986. On 3-5-1994 the Second Party issued a Circular to stop

the work of Casual Labourers and subsequently on 17-10-1994 another letter was issued and the first party gave representation to the Labour Court, Mangalore in the year 1997. Conciliation meeting was held and the second party engaged him again as a Casual Labourer on 1-11-1997.

6. It is the further case of the workman that from 20th March, 1998 the management stopped to give work to the first party and refused employment. The action of the management is not correct. The termination is without issue of notice and enquiry. The termination is against the undertaking given by the management on 14th October, 1997 before the Assistant Labour Commissioner, Chikmagalore.

7. The Government of India has issued an office memorandum in the year, 1993 giving some guidelines in the matter of recruitment of persons on daily wages. Details are given in para 3 of the Claim Statement. The first party has worked for more than 240 days continuously and therefore, the action of the management is not correct. The first party workman has prayed to pass award in his favour.

8. Against this the case of the management is brief as follows :

9. The reference is not maintainable. It is the case of the management that the first party was engaged as a Casual Labourer and the work entrusted to him was of a casual nature and was working only for intermittent periods.

10. It is the further case of the management that the first party was engaged as a substitute Labourer, whenever the regular staff was on leave and therefore, there is no merit in the contention of the first party that he is terminated without notice and enquiry etc. Question of complying the provisions of Section 25 F of the Industrial Dispute Act does not arise at all.

11. It is the further case of the management that the first party has not worked continuously for 240 days and therefore, the claim of the first party is not correct.

12. It is true that the Ministry of Personnel, New Delhi has indicated in its office memorandum dated 10-9-1993 that the temporary status would be conferred on casual labourers who are in employment and who have rendered continuous service of at least one year.

13. It is the further case of the management that the first party was not in employment on the date of the Memo and therefore, the case of the workman is not correct. Management for these reasons has prayed to reject the reference.

14. It is seen from the records that the management has examined one witness who is Deputy Superintendent. Some documents are also marked in his evidence.

15. Against this workman got examined himself as WW1 and some documents are marked. After the close of the evidence, I have heard both sides and perused the documents produced by the parties.

16. First party has filed written arguments and I have gone through the same carefully.

17. The evidence of MW1 is that the first party was engaged as Casual Labour. He further says that he was engaged for construction of ancient monuments at different places. He further says that first party was taken on work whenever there was work. He has given details of the days on which the first party has worked year wise. He has stated that he has not undertaken before the Conciliation Officer that they will regularize the Services.

18. Against this the first party has given evidence stating that he has worked from 1-6-1986 to 1994 and he has worked for more than 240 days. Ex. W3 is the record filed in this regard. He has given detailed evidence in support of his claim.

19. MW1 has stated in his cross examination that according to the statement first party has worked for 240 days in one of the year i.e. after 8-6-1988. One thing is clear that the first party was engaged and has worked for 240 days. According to the first party he has been working from 1986 to 1994. We have the document. Ex. W3 given by the ASI and according to that it is clear that the first party was working with the second party from 1-6-1986 to 3-5-1994. This itself is sufficient to say that the management is not correct in terminating the services of the first party without complying the provisions of Section 25 F of the Industrial Dispute Act. According to the documents it is clear that the first party has continuously worked with the second party management for a long period.

20. Admittedly there is no enquiry or notice was given to the first party before refusing the work. MW1 has stated in his evidence that the first party was engaged for construction of ancient monuments at different places. Surprisingly enough it is not stated by him that the first party was engaged for the said work for a specific period or that work is completed. According to the first party workman has been continuously working and the action of the management is illegal.

21. There are some documents to show that the instructions were given to regularize daily wages. It is in the cross examination of MW1 that some of the workmen were regularised on fulfilling the required norms and in accordance with the direction of the Ministry. It appears that the first party workman has also worked continuously for a long period and the management is not justified in refusing the work.

22. It is also in the records that earlier there was conciliation meeting and again the first party was engaged as Casual Labourer. According to the cross examination of MW1, Ex. W2 are the Attendance Rolls and they are signed by the officer.

23. He further said that it is true that that "he is a regular employee". He further said that they have not intimated the casual labourers that they have got intimation that to the effect casual labourers should not be engaged.

24. MW1 admits in his cross-examination that they have not issued any notice to the workman and

that he was engaged for a particular project and he cannot be continued etc.

25. Taking all this into consideration I am of the opinion that the management is not justified in refusing the work to the first party workman. Accordingly I proceed to pass the following Order :

ORDER

The reference is partly allowed and the management is directed to take the first party workman for work as he was engaged earlier. Further if the first party workman fulfilled the necessary conditions, he can be considered for regularization.

(Dictated to PA transcribed by her corrected and signed by me on 4th February, 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 22 फरवरी, 2002

का.आ. 97.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 462/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-2002 को प्राप्त हुआ था।

[सं.एल= 42012/157/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd February, 2002

S.O. 971.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 462/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Post and their workman, which was received by the Central Government on 22-2-2002.

[No. L-42012/157/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 30th January, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 462/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 1/98)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) 710 GI 2002—19

of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Manian and the Management of (1) Director of Postal Service, Coimbatore and (2) Superintendent of Post Offices, Tirupur.)

BETWEEN

Sri K. Manian.

..I Party/Workman.

AND

1. The Director of Postal ..II Party/Management,
Services Western Region Coimbatore.

2. Superintendent of Post Offices,
Tirupur.

APPEARANCES :

For the Workman : M/s. R. Sivakumar and S. Suresh, Advocates.

For the Management (1 and 2): Sri K. Sivajothi, ACGSC.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-42012/157/95-IR(DU) dated 10th July, 1997.

This reference has been made earlier to the CGIT-cum-Labour Court, Bangalore and as per the orders of the Government of India, Ministry of Labour, the same was transferred to file of Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 1/98. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 462/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 1-3-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 3-1-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, the written arguments filed by the learned counsel on either side and this matter having stood over till this date for consideration, this tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the Superintendent of Post Offices, Tirupur, Coimbatore, in

dismissing the services of Sri K. Manian w.e.f. 28-10-92 without holding proper enquiry is just, proper and legal? If not, to what relief is the workman entitled for?"

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows :—

The I Party/Workman Sri K. Manian (hereinafter refers to as Petitioner) was working as Extra Departmental Branch Postmaster, Thengumarahada Branch Post Office from 11-10-1983, which comes under the administrative jurisdiction of Tirupur Postal Division. On 1-7-92, the SDO Satyamangalam visited Thengumarahada Post Office for taking up annual inspection. On inspection, he pointed out certain discrepancies in the entries of the daily accounts of the Branch Post Office and also pointed out that there was shortage of Rs. 1758.15 in the office account balance. Accordingly, the same was made to. Not satisfied with the preliminary explanation given by the Petitioner, the Senior Superintendent of Post Offices, Tirupur Division placed the Petitioner OFF DUTY by his order dated 7-7-1992. A charge memo dated 29-9-92 was issued alleging that the Petitioner had failed to maintain absolute integrity because he has utilised certain amounts of Post Office for his personal expenses. In the charge memo, the Petitioner was directed to submit his explanation within ten days from the receipt of the charge memo. Even though more than 20 documents were relied upon by the II Party/Management (hereinafter refers to as Respondents) to frame the charges copy of those basic documents were not produced to the Petitioner to enable him to file effective reply. The statements obtained from five persons were also not provided to the Petitioner. Using his official capacity, the SDO had coerced the Petitioner unduly with the false promise that the Petitioner will be let off with minor penalties, if the Petitioner submits an explanation to his dictation. Without realising the mala fide designs, believing the words of the SDO, the Petitioner submitted a letter dated 16-10-1992. The contents of this letter will clearly prove the state of mind on which it was written. Even in that so-called admission letter dated 16-10-92, nowhere the Petitioner had specifically admitted the charges levelled against him. He has not stated that he does not like to be heard in person. On realising that this letter dated 16-10-92 may not service their purpose, the Sub Divisional Inspector Sri P. K. Natarajan, personally visited the Petitioner on 21-10-92 and further coerced him to try to get another letter. In that letter also, the Petitioner had not stated that he does not like to be heard in person. To the shock of the Petitioner, the 2nd Respondent passed an order dated 28-10-98 dismissing the Petitioner stating that the Petitioner had admitted the charges and he does not like to be heard in person. The Respondent committed a grave error in dismissing the Petitioner without even the enquiry to prove the charges. While passing the order of dismissal, the 2nd Respondent had not taken into account the past record of the petitioner. Even, if the alleged charges are assumed to be proved, it does not deserve the punishment of dismissal from service. Imposing the extreme penalty of dismissal is totally disproportionate and

harsh to the alleged charges. 2nd Show cause notice on the proposed punishment was not issued. So, the quantum of punishment is illegal, unjust and arbitrary. Against that dismissal order, the Petitioner filed an appeal before the Director of Postal Services, Western Region, Coimbatore, Appellate Authority. The appeal was rejected by the Appellate Authority mechanically without any application of mind. So, the Petitioner initiated conciliation proceedings before the Assistant Labour Commissioner (Central). As there was no scope for any settlement, the conciliation officer submitted his failure report to the Government which in turn referred this case to this Tribunal for adjudication. Therefore, this Hon'ble Tribunal may be pleased to direct the Respondent to reinstate the Petitioner to the post of Postmaster along with full back wages and other attendant benefits.

3. The Superintendent of Post Offices, Tirupur Division, Tirupur (hereinafter refers to as Respondent), has filed a Counter Statement. The averments in that Counter Statement are briefly as follows :—

The Petitioner was working as a Branch Postmaster, Thengumarahada on 11-10-83 he was placed OFF DUTY from 1-7-92 (Afternoon) on detection of frauds committed by him. He was dismissed from service w.e.f. 28-10-1992 as a result of disciplinary action. The SDO Satyamangalam, visited Thengumarahada Branch on 1-7-92 for annual inspection and noticed shortage of Rs. 1,758.15 in office balance besides various other frauds in money order payments and issue of money order committed by the Petitioner. The defrauded amount could not be made good by the Petitioner immediately. Therefore, the amount was charged under unclassified payment in the accounts of Thengumarahada Post Office on 1-7-92. The shortage was not out of certain discrepancies in the entries of daily accounts but because of the misappropriation of the Government money by the Petitioner for his personal expenses. The Sub Divisional Inspector, Satyamangalam, having detected the shortage of office balance and other financial irregularities committed by the Petitioner placed him OFF DUTY on 1-7-1992 (AN) pending further investigation and subject to ratification by the Superintendent of Post Offices, Tirupur. The Superintendent of Post Offices, Tirupur by his order dated 7-7-92, ratified the put off duty action taken against the Petitioner. The further investigation revealed that the Petitioner did commit misappropriation in 15 Savings Account to the tune of Rs. 16,550 and in 46 R.D. Accounts to the tune of Rs. 4,354.50 also. Therefore, disciplinary action was instituted by the Respondent against the Petitioner through a charge memo dated 29-9-92 framing three specific charges namely : (1) kept office balance short of Rs. 1758.15 utilising the same for his personal expenses, (2) non-credit of money order issue collection for Rs. 315 received on 18-6-92 and (3) non-credit of deposit amounts received for credit in S.B. Account No. 136428 on 23-4-92 Rs. 100 on 12-5-92 Rs. 200, and on 15-6-92 Rs. 100. The disciplinary rules contemplate that the statement of defence in reply to charge memo is limited the admission or denial of the charges communicated to the charged Government servant. For such admission or denial, inspection of documents is not necessary. The question of providing access for

the original document and supply of copies of documents arises only when the charged government servant denies the charges and formal enquiries are ordered. In the statements dated 16-10-92 and 21-10-92 the Petitioner admitted the charges and pleaded guilty and declared no further enquiry was required. Therefore, there is no point in providing access of the document and the charged government servant himself did not want any further enquiry. The contra contention of the Petitioner is only an after thought and is baseless. In the written representation dated 16-10-92, the Petitioner had admitted that he gave the statement before the SDI, Satyamangalam on 1-7-92 realising the grave mistakes committed by him and that he felt guilty for the inconveniences caused to the members of public. This representation was submitted by him on his own accord. There was no need for the 2nd Respondent to dictate and get such representation from the Petitioner, as there were already enough materials and evidences to prove the misdeeds committed by the Petitioner. That written representation was submitted by the Petitioner in reply to the charge memo dated 29-9-92. The Petitioner submitted another representation dated 21-10-92. It is false to state that his representation dated 21-10-92 was obtained by Sri P. K. Natarajan, then Sub Divisional Inspector, Satyamangalam under coercion. Sri P. K. Natarajan was relieved from the post of SDI, Satyamangalam on 20-7-92 itself on transfer as Assistant Superintendent of Post Offices, Coimbatore South Sub-Division. He assumed charge of that post at Coimbatore on 21-7-92. He had no jurisdiction over the areas under Satyamangalam Sub-division in Tirupur Division. The Petitioner has given baseless and false information. The Petitioner in his representation dated 21-10-92 clearly declared that no further enquiry was called for besides his reiteration of unconditional admission of charges. He has also declared that he submitted that representation on his own accord without inducement of anybody. The findings of the Disciplinary Authority was based on the unconditional admission of the charges besides taking into account the gravity and nature of offences committed by the applicant. The nature and gravity of the offences committed are the criteria to decide the penalty. The charges framed against the Petitioner were misappropriation of public money, which tells upon the integrity of the Petitioner. The charges were substantiated by the evidence on record and hence justified penalty was imposed. The punishment order was passed by the 2nd Respondent on receipt of written statement of defence from the Petitioner unconditionally and categorically admitting the charges and pleading guilty. The question of issuing a 2nd show cause notice did not arise. The departmental disciplinary rules as it stands do not provide for show cause notice on the quantum of punishment to be imposed. The 1st Respondent after carefully considered the appeal of the Petitioner, passed a speaking order dated 26-2-93 rejecting the appeal. There are no valid grounds to declare the orders of punishment of dismissal from service imposed in memo dated 28-10-92 as illegal. Hence, the Petitioner is not entitled to seek remedy under the Industrial Disputes Act, 1947 as the punishment was imposed following the departmental rules.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the claim of the Petitioner.

4. When the matter was taken up for enquiry, the Petitioner himself has examined as WW1 and on the side of the Respondent 3 witnesses were examined. Ten exhibits have been filed on the side of the Petitioner, while two exhibits as Exs. M1 and M2 which were already marked as Exs. W7 and W8 on the side of the Petitioner have been marked. The learned counsel for either parties submitted their respective written arguments.

5. The Point for my consideration is—

“Whether the action of the Superintendent of Post Offices, Tirupur, Coimbatore, in dismissing the services of Sri K. Manian w.e.f. 28th October, 1992 without holding proper enquiry is just, proper and legal? If not, to what relief is the workman entitled for?”

Point :—

It is admitted that the Petitioner Sri K. Manian was working as Extra Departmental Branch Postmaster at Thengumarahada Branch Post Office under the control of Tirupur Postal Division from 11-10-83. It is also admitted that the SDO, Satyamangalam visited the Thengumarahada Branch Post Office on 1-7-92 for taking up annual inspection and on that day, the Petitioner was there in service. Ex. W1 is the original appointment order dated 20-11-80 issued to the Petitioner for appointing him as Thengumarahada Extra Departmental Branch Postmaster of that branch post office. That was a temporary appointment. Subsequently, the Petitioner was selected as E.D. Branch Postmaster, Thengumarahada. The communication dated 24-8-83 is Ex. W2. Ex. W3 is dated 5-12-86 issued to the Petitioner as a certificate of cash prize. It is the admission of WW1 that Postal Sub Divisional Inspector from Satyamangalam came to inspect the Branch Post Office on 1-7-92 and found out shortage of cash. Without accepting his explanation, he placed him under suspension and the order passed by the Superintendent of Post Offices, Tirupur Division dated 7-7-92 is Ex. W4. Later he was issued a charge memo dated 29-9-92 and it is Ex. W5. It is his evidence that he gave a reply dated 16-10-92 for the charge memo and the xerox copy of the same is Ex. W6. He would further say in his evidence that he gave another letter dated 21-10-92 and the xerox copy of the same is Ex. W7 and he gave both Ex. W6 and W7 at the instance of Mr. P. K. Natarajan, who informed him that he will do the needful and help him and three years subsequent to that he was given a dismissal order under Ex. W8. It is his further evidence no enquiry was conducted by the Respondent/Department and he preferred an appeal. The xerox copy of the same is Ex. W9. The Director of Postal Services, Western Region dismissed his appeal by an order dated 26-2-93 and it is Ex. W10. In the cross examination, it is his evidence that the shortage of cash balance on that day detected by the inspecting officer is the amount kept separately by him as undelivered money order amount kept in deposit. He

would admit that he had not given the same in writing. It is also his admission that when the inspecting authority came to his office, he had not produced the entire cash balance in the office on that day. But he would say that only after he told him that there was a shortage of cash balance, he gave that amount kept separately from the lower drawer of the table. Admittedly, he had not stated so either in his Claim Statement or in his earlier previous replies under Exs. W6 and W7. If really, what he stated in the cross examination is true, he would not have failed to mention the same in the earlier replies as well as in his Claim Statement. The non-mentioning of the same clearly shows that it is only an after thought of the Petitioner raised for the first time as his defence while he gives his evidence in the cross examination. The said inspecting authority Mr. P. K. Natarajan has been examined as MW1. He has given evidence with respect of his annual inspection conducted in the Thengumarahada Branch Post Office on 1-7-92. It is his evidence that when he verified the cash balance and stamp account, there was a difference in cash balance to the extent of Rs. 1758.15 and that when he asked the reasons for deficiency in the cash, the Petitioner had admitted that he utilised that amount on an urgent need and he cannot pay that amount immediately. It is his further evidence that he never met the Petitioner on 21-10-92 and on 21st July, 1992 in pursuance of his transfer as Assistant Superintendent of Post Offices, Coimbatore, on promotion, he handed over the charge to Inspector of Post Offices, Mettupalayam. It is his specific evidence that he had not asked the Petitioner to give a letter Ex. W7 to the department and he does not know about the reply dated 16-10-92 given by the Petitioner to the charge memo. MW2 the Assistant Superintendent of Post Offices, Tirupur Division had deposed that he was in additional charge for Satyamanagalam Sub-division from 21-7-92 to 31-12-92 and that on 21-10-92 the Petitioner came to him at Sub Divisional Offices, Satyamanagalam and gave the original letter of Ex. W7 and it is Ex. M1. Nothing has been elicited in the cross examination of MW2 to discredit his evidence in Chief in respect of Ex. M1. MW3 deposed that in 1992 he was working as Senior Superintendent of Post Offices, Tirupur Division. It is his evidence that MW1 inspected the branch post office of Thengumarahada on 1-7-92 and found out some defects and he ratified the action of Sri P. K. Natarajan, Postal Inspector, who placed the Petitioner under suspension and on receipt of the report from the Postal Inspector, he issued charge sheet to the Petitioner. He would further say that as per request of the Petitioner through his letters dated 16-10-92 and 21-10-92, and on the basis of his admission, as per request he has not conducted any enquiry, considering the gravity of the charges, he passed an order dated 28-10-92 dismissing him from service w.e.f. 28-10-92 and the xerox copy of the proceedings is Ex. M2. He would further say that the Appellate Authority on the order dated 26-3-92 Ex. W4 rejected the appeal and confirmed the order of dismissal passed by the Disciplinary Authority. It is his further evidence that the order he passed under Ex. M2 is justified and was in accordance with service rules of P & T. E. D. Agents (C & S) Rules, 1964 and that he took

the decision, since he considered that the Petitioner's further retention in Government service is not desirable in public interest and he deserves severe penalty and the imposing of such punishment is not disproportionate to the gravity of the proved charges. Nothing worth credit was elicited in the cross examination of MW3 to discredit his evidence in Chief. From the oral and documentary evidence, it is seen that the charged official, the Petitioner herein was given an opportunity to admit or deny the charges levelled against him as per provisions of Rule 8 of P & T E.D. Agents (Conduct and Service) Rules, 1964. In his written representations under W6 and W7 the Petitioner has admitted the charges unconditionally and requested the Respondent Department not to hold any further enquiry. He had also preferred an appeal against the order passed by the Disciplinary Authority by availing the opportunity of preferring an appeal and the Appellate Authority after due consideration of the case, has rejected the appeal. From this it is seen that Petitioner was given reasonable opportunity to defend his case based on records, but he only has chosen to give his reply in writing admitting the guilt and has also informed the authorities not to hold any enquiry. Under such circumstances, it cannot be said that the Petitioner was not given by the Respondent reasonable opportunity to put forth his defence effectively. The cases cited by the learned counsel for the Petitioner as supportive judgements are not applicable to the present facts and circumstances of the case. Under such circumstances, I come to the conclusion that the action of the Superintendent of Post Offices, Tirupur Division, Coimbatore, in dismissing the services of Sri K. Manian w.e.f. 28-10-92 is just, proper and legal, since, as per the provisions of Rule 8 of E.D. Agent (C & S) Rules, 1964, no enquiry need to be conducted in this case. Hence, the Petitioner is not entitled for any relief. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner/Workman Sri K. Manian is not entitled for any relief. No cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th January, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For the I Party/Workman :

WW1—Sri K. Manian.

For the II Party/Management :

MW1—Sri P. K. Natarajan.

MW2—Sri K. Chandrasekaran.

MW3—Sri S. Ramasamy.

Documents Marked :

For the I Party/Workman :

Ex. No.	Date	Description
W1	20-11-80	Original appointment order as EDDA.

- W2 24-08-83—Original order of appointment as ED Branch Postmaster.
- W3 05-12-86—Original certificate of cash prize.
- W4 07-07-92—Original order of put off duty.
- W5 29-09-92—Original Charge memo issued to the Petitioner.
- W6 16-10-92—Xerox copy of the representation of the Petitioner to Superintendent of Post Offices.
- W7 21-10-92—Xerox copy of the representation of the Petitioner to the Superintendent of Post Offices, Tirupur.
- W8 28-10-92—Original order of dismissal of the Petitioner from service by Superintendent of Post Offices.
- W9 08-12-92—Xerox copy of the appeal petition submitted by the Petitioner Sri K. Manian.
- W10 26-02-93—Original order passed by the Post Master General rejecting the appeal of the Petitioner.

For the II Party/Management :

- | Ex. No. | Date | Description |
|---------|----------|--------------------------------------------|
| M1 | 21-10-92 | Original representation of the Petitioner. |
| M2 | 28-10-92 | Xerox copy of the order of dismissal. |

नई दिल्ली, 20 फरवरी, 2002

का. आ. 972—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या आई.डी.; 167/2001) की प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं.एल-41012/86/2001-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 972.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-167/2001) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 20-2-2002.

[No. L-41012/86/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer.

I.D. No.: 167/2001

Ref : No. L-41012/86/2001/IR(B-II) dated 16-10-2001

BETWEEN

Mohan S/o Shri Maganlal H. No. 180/1.

Mohalla-Chandrashekhar Azad, Nai Basti, Kotwali, Jhansi, 284001.

AND

The Divisional Railway Manager, Central Railway, Jhansi Madal, Jhansi, 284001.

AWARD

By order No. L-41012/86/2001/IR(B-II) dated 16-10-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred the industrial dispute between Shri Mohan S/o Shri Magan Lal and The Divisional Railway Manager, Central Railway, Jhansi for adjudication.

The reference under adjudication is as under:

“Whether the action of the Management of Divisional Railway Manager, Central Railway, Jhansi in terminating the services of Shri Mohan S/o Shri Magan Lal E. w.e.f. 2-6-1997 is legal and justified? If not, what relief the workman is entitled to?”

2. Both the parties admit that the workman, Mohan, whose cause is to be adjudicated, is no longer alive. He died on 27-5-2001. The reference order was passed on 16-10-2001 after his death. So, the reference order seeking adjudication of a deceased is not legally competent and maintainable.

3. It is informed that the wife of the deceased Smt. Munni Devi has already addressed to the Ministry on 11-1-2002 to implead her as a party. It is also informed that ALC(C), Kanpur was also approached. Thus, it is open to the Ministry to refer a new or revised reference in the name of the deceased's wife, Smt. Munni Devi.

4. The reference order being not maintainable is returned without adjudication.

Lucknow.
11-2-2002.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

का.आ. 973:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर (राज.) के पंचाट को (संदर्भ संख्या.सी.आई.टी.आर./13/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं.एल-41011/03/96-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CITR-13/97) of the Industrial Tribunal-Labour Court, Ajmer (Raj.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 20-2-2002.

[No. L-41011/03/96-IR(B-I)]
AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

पीठासीन अधिकारी : राजेंद्र सिंह राठी, आरएचएस
सी.आई. टी. आर. 13/97

(रेफरेंस नं.संख्या-एल-41011/03/96-आई.आर. (बी)
दि. 30-6-97)

मंडल सचिव, पश्चिमी रेलवे कर्मचारी परिषद, 1623/35,
गुलाबबाड़ी, रेलवे क्रॉसिंग के पास, ताका मदार, अजमेर।

प्रार्थी

बनाम

उप मुख्य यांत्रिक इंजीनियर, कैरिज कारखाना, पश्चिम रेलवे,
अजमेर

....अप्रार्थी

उपस्थित : श्री सुरेन्द्र गोयल, विद्वान अधिवक्ता, प्रार्थी
श्री बी.डी. भार्गव, विद्वान अधिवक्ता, अप्रार्थी

दिनांक : 22-12-2001

अवार्ड

1. यह विवाद केन्द्र सरकार से इस न्यायालय को वास्ते
अधिनिर्णय प्राप्त हुआ :—

“क्या उप मुख्य यांत्रिक इंजीनियर लोको कारखाना,
पश्चिम रेलवे अजमेर के द्वारा श्री नत्थीलाल मिस्त्री को

दि. 1-1-84 से ग्रेड-1 में नहीं लिया जाना उचित एवं वैध
है। यदि नहीं तो श्रमिक किस राहत का अधिकारी है।”

प्रार्थी नत्थीलाल ने मंडल सचिव, पश्चिम रेलवे, कर्मचारी
परिषद श्री रामकिशन गुर्जर के मार्फत उक्त क्लेम पेश किया
है। स्टेटमेंट ऑफ क्लेम्स में यह बताया गया है कि
नत्थीलाल 31-12-83 ग्रेड-2 पेंटर के पद पर कार्यरत था।
रेलवे बोर्ड के आदेशानुसार 1-1-84 से ग्रेड-2 से ग्रेड-1
पेंटर के पदों को अपग्रेडेशन का लाभ दिया गया, अतएव
नत्थीलाल को भी उक्त अपग्रेडेशन का लाभ 1-1-84 से
वरिष्ठता अनुसार पदोन्नति देकर दिया जाना चाहिए था
परंतु रेलवे प्रशासन ने ऐसा नहीं किया। नत्थीलाल से कनिष्ठ
रेलवे कर्मचारी को 1-1-84 से ग्रेड-1 की पदोन्नति देने से
एवं नत्थीलाल को तकनीकी रूप से चार्जमैन “बी” के पद
पर पदोन्नति में उपयुक्त नहीं मानते हुए बारंबार पदो-
न्नति से वंचित रखा गया। ग्रेड-2 पेंटर की वरिष्ठता सूची
जो 31-12-83 को विद्यमान थी में नत्थीलाल से कनिष्ठ
कर्मचारियों को इससे पहले चार्जमैन ‘बी’ के पद पर पदोन्नति
दे दी गई। प्रार्थी ने निम्न प्रकार अनुतोष की मांग की है
(अ) दि. 1-1-84 से ग्रेड-1 पेंटर के पद पर पदोन्नति
दिलाई जावे (ब) 1-1-84 के लागू होने की तिथि से
नत्थीलाल को आगे वरीयता अनुसार पदोन्नतियां (जब से
इनसे कनिष्ठ कर्मचारियों को) मिलने वाले समस्त लाभ
दिलाये जावें (सी) अन्य अनुतोष जो न्यायालय उचित समझे
दिलाये जावें।

2. विपक्षी अप्रार्थी ने अपने जबाब में बताया है कि
ग्रेड-2 कर्मचारियों को नियमानुसार उनके एवेन्यू पदों के
अनुसार 1-1-84 से अपग्रेडेशन का लाभ देते हुए पदोन्नति
का लाभ दिया गया है। प्रार्थी 31-3-83 को पेंटर ग्रेड-2
वेतनमान 330-480 (आर) में कार्यरत था उस अवधि में
प्रचलित मिस्त्री, हाई स्किल्ड पेंटर ग्रेड-1 व हाई स्किल्ड
ट्रिम्पर ग्रेड-1 तीनों पद समान वेतनमान 380-560 (आर)
के अंतर्गत आते थे। मिस्त्री के पद पर पदोन्नति ग्रेड-2 में
कार्यरत कर्मचारियों से योग्यता के आधार पर की जाती
थी। इस नियम के अनुसार प्रार्थी को पत्र सं.सी.ई./1025/-
2-3 भाग-III दि. 18-12-84 के तहत योग्यता परीक्षा में
योग्य घोषित किया गया एवं तदनुसार प्रार्थी को मिस्त्री पद
पर पदोन्नति के लाभ 6-3-84 से दिए गए मिस्त्री का पद
पर्यवेक्षक श्रेणी में आता है। अतः प्रार्थी को अपग्रेडेशन
का लाभ देने का प्रश्न ही उत्पन्न नहीं होता है। पेंटर
ग्रेड-1 का पद आर्टिजन की श्रेणी में आता है। प्रार्थी की
इंटर सी वरीयता अप्रार्थी द्वारा वर्ष 1988 में अधिसूचित
की गई वह नियमानुसार है। प्रार्थी चूंकि मिस्त्री के पद पर
लाभ प्राप्त कर रहा है एवं मिस्त्री का पद पर्यवेक्षक श्रेणी
में आता है। अतः वह अपग्रेडेशन का लाभ प्राप्त करने का

अधिकारी नहीं है। प्रार्थी ने उक्त क्लेम तथा विवाद अति-विलंब से उठाया है। अतः कोई राहत प्राप्त करने का अधिकारी नहीं है।

3. अपने स्टेटमेंट ऑफ क्लेम की पुष्टि में प्रार्थी ने अपना शपथ पत्र प्रस्तुत किया व जिरह के बाद उसे साक्ष्य में शामिल किया गया। इसी प्रकार अप्रार्थी की ओर से कन्हैयालाल शर्मा मुख्य कार्यालय अधीक्षक कार्यालय उपमुख्य यांत्रिक अभियंता पश्चिम रेलवे ने भी अपने जवाब की पुष्टि में शपथ पत्र प्रस्तुत किया जिसे बाद जिरह साक्ष्य में शामिल किया गया।

4. आलेखीय साक्ष्य में प्रार्थी के मिस्त्री पद की परीक्षा का घोषित परिणाम प्रदर्श एम-1, कार्यालय आदेश दि. 2-3-84 जिसके अनुसार प्रार्थी को मिस्त्री पद का वेतनामान देते हुए प्रोवीजनल रूप से पदोन्नत कर श्री रहीमुद्दीन के स्थान पर लगाया गया प्रदर्श एम-2 प्रमोशन के एवेन्यू आर्टिजन स्टाफ का टेबल प्रदर्श एम-3, तथा परिवीक्षा स्टाफ का प्रमोशन एवेन्यू प्रदर्श एम-4, मुख्य यांत्रिक कार्यालय का पत्र 5-9-83 जिसके अनुसार मिस्त्री की योग्यता परीक्षा के लिए आपश्नस मांगे गये हैं। प्रदर्श एम-5, रेलवे का एक पत्र 7-12-83 जिसके अनुसार मिस्त्री की योग्यता परीक्षा में अभ्यर्थियों के बैठने अथवा इंकार करने की सूचना प्रदर्श एम-6, चार्जमैन बी के पद पर पदोन्नति हेतु संयुक्त परीक्षा ई.ए. सीनियरटी के संबंध में सूचना प्रदर्श-एम-7, बरीयता सूची प्रदर्श एम-8, चार्जमैन बी पर पदोन्नति हेतु संयुक्त बरीयता 23-8-88 प्रदर्श एम-9, बरीयता सूची प्रदर्श एम-10, रेलवे का पॉलिसी प्रपत्र दि. 14-5-84 प्रदर्श एम-12 एवं एम-13 प्रस्तुत किए हैं।

बहस उभयपक्षों की बहस सुनी गयी, पत्रावली पर उपलब्ध सामग्री का ध्यानपूर्वक अध्ययन किया गया। इस प्रकरण के निस्तारण हेतु निम्नांकित बिंदु सहायक माने जाते हैं:—

1. आया प्रार्थी जो दि. 31-3-83 को इंटर ग्रेड-2 वेतनमान 330-480 (आर) में कार्यरत था एवं ग्रेड-2 मिस्त्री 380-560 (आर) पद पर पदोन्नति हेतु सितंबर 83 चयन प्रक्रिया में शामिल होकर उक्त परीक्षा में 18-2-84 को उत्तीर्ण होकर योग्य पाए जाने पर आदेश दि. 2-3-84 द्वारा मिस्त्री पद पर पदोन्नत कर पदस्थापित करने के कारण रेलवे के अप-ग्रेडेशन नीति के अंतर्गत दि. 1-1-84 से उक्त अप-ग्रेडेशन के लाभ से वंचित हो गया अथवा नहीं?

2. आया प्रार्थी 1-1-84 को उच्च कुशल ग्रेड पेंटर ही था तथा इस प्रकार कुशल ग्रेड-1 पेंटर के अप-ग्रेडेशन पाने का हकदार था?

3. आया इंटर सी सीनियरटी लिस्ट प्रदर्श एम-10 जिसमें प्रार्थी को बरीयता क्रम 69 पर दिखाया गया है तथा दिलीपसिंह को 54 पर दिखाया गया है, के विरुद्ध लंबे समय तक प्रतिवेदन पेश नहीं करने के कारण प्रार्थी 1-1-84 से उच्च कुशल पेंटर एक के पद पर अप-ग्रेडेशन का लाभ खो बैठा है?

4. अनुतोष ?

प्रत्येक बिंदु पर हमारा निर्णय निम्न प्रकार है:—

बिंदु संख्या 1:—यह निर्विवाद है कि 31-3-83 को प्रार्थी पेंटर ग्रेड-2 वेतनमान 380-480 (आर) के पद पर कार्यरत था रेलवे के पत्र प्रदर्श एम-6 के द्वारा मिस्त्री पद के लिए लिखित परीक्षा में बैठने की सहमति/इंक्वायरी मांगी गयी थी जिसके अनुसार प्रार्थी ने अपनी सहमति उक्त परीक्षा का परिणाम प्रदर्श एम-1 18-2-84 को घोषित होकर प्रकाशित किया गया जिसके अनुसार प्रार्थी पेंटर ग्रेड-2 के पद से मिस्त्री ग्रेड में रु. 380-560 (पु.) के लिए योग्य घोषित किया गया एवं प्रदर्श एम-2 जो 2-3-84 का जारीशुदा है के अनुसार उसे अनुसूचित जाति के लिए आरक्षित मिस्त्री के पद पर मासिक वेतन रु. 380 पर प्रोवीजनल नियमित रूप से पदोन्नत कर श्री रहीमुद्दीन के स्थान पर लगाए जाने का आदेश प्रसारित किया गया एवं प्रार्थी ने 6-3-84 से उक्त मिस्त्री पद का चार्ज लेते हुए उस पर कार्य करना प्रारंभ किया।

रेलवे के मुख्य कार्यालय अधीक्षक श्री कन्हैयालाल शर्मा ने अपने शपथ पत्र के मद सं. 12 में बताया है कि अप-ग्रेडेशन स्कीम वर्ष 85 में आई थी जो प्रदर्श एम-13 है तथा इसके अनुसार जो कर्मचारी पर्यवेक्षक (सुपरवाइजर) के पद पर कार्यरत थे उन्हें अप-ग्रेडेशन का लाभ नहीं दिया जाता था। उक्त गवाह का कहना है कि प्रार्थी को पदोन्नति मिस्त्री के पद पर 6-3-84 को हो गयी थी, इस कारण वह पेंटर ग्रेड-1 के पद पर अप-ग्रेडेशन पाने का हकदार नहीं रहा था। हमारे मत में अप्रार्थी का उक्त अभिकथन स्वीकार योग्य नहीं है क्योंकि अप-ग्रेडेशन का लाभ 1-1-84 की स्थिति का मूल्यांकन व गणना के आधार पर की जानी थी। स्वयं श्री कन्हैयालाल शर्मा यह मानते हैं कि 1-1-84 को प्रार्थी नत्थीलाल का मिस्त्री के पद पर पदोन्नति का मामला प्रोसेस में था, अर्थात् 1-1-84 को जो स्थिति उभरती है, उसके अनुसार प्रार्थी उच्च कुशल पेंटर ग्रेड-2 ही था तथा इस प्रकार वह अप-ग्रेडेशन स्कीम के अंतर्गत ग्रेड-1 पेंटर के पद व वेतनमान के कंसीडरेशन के जोन में होकर उसके योग्य था। मिस्त्री के पद पर पदोन्नति की चयन प्रक्रिया का परिणाम भी 18-2-84 को घोषित हुआ एवं 2-3-84 को मिस्त्री का चार्ज संभाला। उक्त परीक्षा में चयन व पदस्थापन से 1-1-84 की स्थिति पर कोई प्रतिकूल प्रभाव नहीं पड़ा है क्योंकि जो गणना आवश्यक थी वह 1-1-84 को जो स्थिति थी, उसके आधार पर ही की जानी चाहिए थी। माह जनवरी व फरवरी 84 का वेतन प्रार्थी ने पेंटर ग्रेड-2 के पद का ही प्राप्त किया होगा। अतः उसको पेंटर ग्रेड-2 के स्ट्रेच में ही शामिल किया जाना आवश्यक था। इस बात से कोई फर्क नहीं पड़ा पाया जाता कि मिस्त्री पद के लिए परीक्षा में बैठने के लिए उसने सहमति दे दी थी तथा उसमें सफल होकर वह 1-1-84 से दो माह बाद 6-3-84 को मिस्त्री पद का प्रमोशन पाकर पद-स्थापित हो गया।

अतः बिंदु सं. 1 का निर्धारण प्रार्थी के पक्ष में किया जाता है ।

बिंदु संख्या 2 :—उक्त बिंदु का निस्तारण भी बिंदु सं. 1 के लिए साध्य का विवेचन करते हुए किया जा चुका है । अतः उसे पुनः दोहराने की आवश्यकता नहीं रहती है । उक्त बिंदु का निष्कर्ष भी बिंदु सं. 1 के समान ही निर्धारित किया जाकर तय किया जाता है कि 1-1-84 को प्रार्थी उच्च कुशल पेंटर ग्रेड-2 के पद पर ही था एवं इस कारण उसे अप-ग्रेडेशन का लाभ पेंटर ग्रेड-1 के लिए देने के संबंध में विचार किया जाना चाहिए था ।

बिंदु संख्या 3 :—उक्त वरीयता सूची प्रदर्श एम-10 कुशल पेंटर व ट्रिस्टर ग्रेड 1 की संयुक्त वरीयता के संबंध में अप्रार्थी के गवाह श्री कन्हैयालाल शर्मा ने जिरह में यह माना है कि वर्ष 86 तक मिस्त्री के पद पर पदोन्नति ग्रेड-2 से की जाती थी व उसके बाद ग्रेड-1 से पदोन्नति की जाने लगी । सहायक श्रम आयुक्त केन्द्र के समक्ष पेश किये गये अपने जवाब 4-7-95 में रेलवे ने लिखा है कि दिलीप सिंह 1-1-84 से ग्रेड-1 में पदोन्नत हुए थे जबकि नत्थीलाल मिस्त्री के पद पर 1-3-84 से समान वेतनमान में पदोन्नत हुए थे अतः श्री दिलीप सिंह पेंटर ग्रेड-1 वेतनमान रु. 380-560 में 1-1-84 से पदोन्नत होने तथा 15-12-92 से मिस्त्री वेतनमान रु. 1400-2300 में पदोन्नत होने के कारण श्री नत्थीलाल से वरिष्ठ हो गए । इस प्रकार स्पष्ट है कि श्री दिलीप सिंह ने पेंटर ग्रेड-1 की वरीयता रेलवे की वर्ष 85 में जारी अप-ग्रेडेशन की नीति के कारण प्राप्त की तथा तदुपरांत 15-12-92 को मिस्त्री वेतनमान 1400-2300 में पदोन्नति प्राप्त की । वरीयता से संबंधित उक्त विरोधाभासी स्थिति संभवतः इस कारण उत्पन्न हुई प्रतीत होती है कि 1-1-84 को आर्टीजन की गणना में प्रार्थी नत्थीलाल को सम्मिलित नहीं किया गया क्योंकि उसने मिस्त्री पद की चयन प्रक्रिया में शामिल होकर 6-3-84 को मिस्त्री पदभार ग्रहण कर लिया जबकि दिलीप सिंह 1-1-84 को मिस्त्री ग्रेड-2 से ग्रेड-1 पर अप-ग्रेडेशन पालिसी के अंतर्गत लाभ प्राप्त करने का हकदार माना जाकर वेतनमान 380-560 (आर) प्राप्त कर चुका है । हमारे विनम्र मत में जैसा कि उपर बिंदु सं. 1 व 2 का निस्तारण करते हुए तय किया जा चुका है कि प्रार्थी 1-1-84 को पेंटर ग्रेड-2 था एवं अप-ग्रेडेशन के संबंध में विचार किये जाने योग्य था । अतएव इंटर सी वरीयता सूची प्रदर्श एम-10 के संबंध में यदि उसने लंबे समय तक अध्यावेदन नहीं भी दिया तब भी वह अपने कानूनी अधिकारों से पूर्णतया वंचित हो जाना नहीं माना जा सकता । उक्त प्रकार बिंदु सं. 3 प्रार्थी के हक में तय किया जाता है ।

आदेश

अन्तोपः—प्रार्थी दि. 1-1-84 को उच्च पेंटर ग्रेड-2 के वेतनमान 330-480 (आर) से पेंटर ग्रेड-1 के वेतनमान 380-560 पर अप-ग्रेडेशन के संबंध में विचार किए जाने योग्य माना जाता है । रेलवे प्रशासन 1-1-84 की

कट-डेट पर प्रार्थी को उक्त अप-ग्रेडेशन के संबंध में विचार कर उचित आदेश पारित करे तथा ऐम अप-ग्रेडेशन प्रदान करने की स्थिति में वेतनभत्ते आदि का अंतर भी प्रदान करे । साथ ही उसकी वरीयता को भी पुनर्निर्धारित करे ।

अर्वाइ आर्ज दि. 22-12-2001 को लिखाया जाकर खुले न्यायालय में मुद्राया गया । अर्वाइ की प्रति नियमानुसार वास्ते प्रकाशनार्थ केन्द्र सरकार को प्रेषित की जावे ।

राजेन्द्र मिह राठी, न्यायाधीश

नई दिल्ली, 20 फरवरी, 2002

का. आ. 974 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इण्डिया के प्रबंधनत्व के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या आई डी-39/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था ।

[सं. एल.-12012/406/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-39/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 20-2-2002.

[No. L-12012/406/2000-IR(B-I);
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated : 6th November, 2001

INDUSTRIAL DISPUTE NO. 39/2001

BETWEEN

Sri Nadigadda Ramesh Kumar,
Harijanawada,
Chinnamandam,
Rayachoty,
Cuddapah Distt.

.. Petitioner.

AND

The Dy. General Manager,
State Bank of India,
Zonal Office, Regnigunta Road,

Tirupathi-517501.

.. Respondent.

APPEARANCES :

For the Petitioner : NIL.

For the Respondent: Sri B.G. Ravindra Reddy,
Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/406/2000-IR(B-I) dated 7-6-2001 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

“Whether the action of the management of State Bank of India, Chinnamandam Branch in dismissing services of Sri Nadigadda Kumar, Messenger is justified? If not, what relief the workman is entitled?”

In spite of several adjournments given from 20-7-2001 the petitioner was continuously absent for eight adjournments including 6th November, 2001. Hence, heard the arguments of the respondent's counsel. As the petitioner has not turned-out in spite of number of adjournments and the petitioner has failed to produce any evidence in support of his claim. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 6th day of November, 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

witness examined for the
Petitioner

NIL

Witness examined for
the Respondent

NIL

Documents marked for the Petitioner|Union

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2002

का. आ. 975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 693/2001)

710 GI/2002—20

को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एल.-12012/576/98-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th February, 2002

S.O. 975.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 693/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 20-2-2002.

[No. L-12012/576/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Wednesday, the 16th January, 2002

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 693/2001

(Tamil Nadu Principal Labour Court CGID

No. 341/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri P. M. Gunaseelan and the Management of the State Bank of India.)

BETWEEN

Shri P. M. Gunaseelan, .. I Party/Workman.

AND

The Assistant General Manager,
State Bank of India,

.. II Party
Management.

APPEARANCE :

For the Workman : V. S. Ekambaram, Authoris-
ed Representative.

For the Management : Sri R. Krishnamachari and
J. John, Advocates.

ORDER

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide

Order No. L-12012/576/98-IR(B-I) dated 26th March, 1999 :—

“Whether the demand of the workman Shri P. M. Gunaseelan, wait list No. 473 for restoring the wait list of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary messenger is justified? If so, to what relief the said workman is entitled?”

2. This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as CGID No. 341/99. When the matter was pending enquiry in that Labour Court, as per the orders of the Government of India, Ministry of Labour, this case also has been transferred from the file of the Labour Court to the file of this Tribunal for adjudication. On receipt of records from that Labour Court, the case has been taken on file as I.D. No. 693/2001 and notices were sent to both the parties to the dispute, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 15-10-2001.

3. This is an industrial dispute raised by the I-Party/ Workman Sri P. M. Gunaseelan, wait list No. 473, demanding the II Party/Management State Bank of India for restoring the wait list of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary messenger.

4. When the matter is taken up today, representative of the I Party/Workman files a memo dated 16-1-2002, requesting this Tribunal to close this reference, since the same industrial dispute has been prosecuted between the parties before the Tamil Nadu Principal Labour Court as CGID No. 331/99 and the same has been referred to Lok Adalat for further proceedings. The memo is recorded.

5. In view of the memo filed by the authorised representative for the I Party/Workman today in Court and recorded, the order of reference as an industrial dispute for adjudication by this Tribunal is closed and ordered accordingly.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the Open Court on this day the 16th January, 2002.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 22 फरवरी, 2002

का. आ. 976.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड इंडियन बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, मुम्बई के निर्णय (संदर्भ संख्या सी.जी.आई.टी.—49 ऑफ 2001 सेक्शन 33 (बी) के अधीन

को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-2002 को प्राप्त हुआ था।

[सं.एल.-12014/1/2002-आई.आर. (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd February, 2002

S.O. 976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the judgment [Ref. No. CGIT-49 of 2001 U/Sec. 33(b)] of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Grindlays Bank and their workman, which was received by the Central Government on 21-2-2002.

[No. L-12014/1/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer.

Application No. CGIT-2/2 of 2001

(Arising out of Ref. No. CGIT-2/49 of 2001)

PARTIES :

Standard Chartered Grindlays Bank,
90, Mahatma Gandhi Road,
Mumbai-400001.

... Applicant.

Vs.

Sudhir P. Jitekar,
Shiv Ganga Building, Flat No. 17,
3rd Floor, Barrage Road,
Kulgaon, Badlapur-421503.

... Opponent.

APPEARANCES :

For the Applicant : Mr. K. T. Rai, Representative.

For the Opponent : Mr. P. N. Subramanyan,
Representative.

Mumbai, dated 2nd January, 2002

JUDGMENT

This is an application filed by the management, Standard Chartered Grindlays Bank, seeking permission for their action of transfer of services of workman Shri Jitekar from the establishment situated at Mahatma Gandhi Road, Mumbai to the R.M.C. establishment situated at 82, Dr. A. Nair Road, Agripada, Mumbai, during the pendency of the Reference No. 2/49 of 2001, under Section 33(b) of the Industrial Disputes Act. It is contended by the management that the services of Opponent, Shri Jitekar, transferred on 15-5-2000 from its establishment situated at M.G. Road, Mumbai to RMC establishment situated at

Agripada, Mumbai during the pendency of Ref. No. 2/49 of 2001, in connection with the transfer of the Award staff to RMC located at Byculfa in Mumbai. According to applicant, management for bona fide and good reasons in the ordinary course of business and in bona fide exercise of managerial functions the staff Award was passed and therefore the permission was sought.

2. When the matter was fixed for filing say to the application by the Opponent, the applicant bank vide application (Exhibit-5) contended that bank does not wish to prosecute the application and therefore the application be disposed of. Therefore the following order is passed :—

ORDER

Application stands disposed of for non-prosecution. No order as to costs in view of the peculiar circumstances on record.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

का. अ. 977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार ओ. एन. जी. सी. चेन्नई के प्रबंधन के संबंधितियों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 395/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-02-2002 को प्राप्त हुआ था।

[सं. एल.-20040/67/94-आई. अर. (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 20th February, 2002

S.O. 977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 395/2001) of the Central Government Industrial Tribunal, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC, Chennai and their workman, which was received by the Central Government on 19-2-2002.

[No. L-20040/67/94-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Monday, the 31st December, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 395/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 81/95)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri G. Subramanian and the Management of (1) Rao Seismic Service P. Ltd.; (2) Birla Engineering Service and (3) ONGC.)

BETWEEN :

Sri G. Subramanian : I Party/Workman.

AND

1. M/s. Rao Seismic Services (P) Ltd.
Kurinipadi : II Party/Management.

2. M/s. Birla Engineering Services,
Cuddalore.

3. The Sr. Deputy Director (IR),
Oil and Natural Gas Commission, Chennai.

APPEARANCES :

For the Workman : Sri N. Subramanian and S. Ravichandran, Advocates.

For the Management : (1) M/s. T.S. Gopalan & Co., Advocates.

(2) M/s. T. K. Ramkumar, R. S. Varadarajan, Ravikumar Paul, P.L. Thulasidas and V. Parthiban, Advocates.

(3) M/s. M. S. Krishnan and Radhakrishnan.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-20040/67/94-IR(C-1) dated 7-12-1995.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 81/95. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 395/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 20-2-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral evidence let in on either side and documentary evidence let in on the side of the II Party/Management, upon hearing the arguments advanced by the learned counsels on either side and this

matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the Management of Rao Seismic Pvt. Ltd., Contractor of O.N.G.C. in terminating the services of Shri G. Subramanian v.e.t. 1-11-91 is legal and justified? If not, to what relief is the workman entitled?”

2. The I Party/Workman Shri G. Subramanian (hereinafter refers to as Petitioner) has raised this industrial dispute against the three Managements M/s. Rao Seismic Services Pvt. Ltd., M/s. Birla Engineering Services and Oil and Natural Gas Commission, Chennai, requesting this Tribunal to pass an award directing these managements to reinstate him in service with continuity of service and back wages etc. The averments in the Claim Statement are briefly as follows :—

The Petitioner was initially employed as electrician (skilled worker) by the Management of M/s. Rao Seismic Services Pvt. Ltd. from 11-11-86. He worked as such until 29-2-88. Thereafter he was deployed as motor man till the end of September, 1991. M/s. Rao Seismic Services Pvt. Ltd. is an industrial establishment doing drilling works, cable testing, engineering repair and re-construction and other allied works involved in manufacturing process under a sub-contract with M/s. Birla Engineering Services, which was a contractor under Oil and Natural Gas Commission, India, concerned with these works. Thus, M/s. Rao Seismic Services Pvt. Ltd. is the immediate employer of the Petitioner as sub-contractor under M/s. Birla Engineering Services, the contractor. M/s. Birla Engineering Services and Oil and Natural Gas Commission are the principal employers of the Petitioner. Thus, all the three managements are liable to answer the claim of the Petitioner as jointly and severally liable. The Petitioner was discharging his duty as electrician and later as motor man ever since 11-11-86 till 20-9-91 continuously. By his continuous and uninterrupted services, for all the requisite days more than the statutory limit, he is deemed to have become a permanent workman under M/s. Rao Seismic Services Pvt. Ltd. Therefore, the Petitioner cannot be ousted or terminated from service without any enquiry as contemplated under labour enactments. While so, a dispute between the immediate supervisor by name Sri Varaprasad Rao and the Petitioner with regard to payment of lesser wages to him and co-workers. The said supervisor was exploiting the labour and other innocent workmen and the said supervisor was making unlawful gain over their ignorance. Since the Petitioner questioned the same, the said Sri Varaprasad Rao terminated the Petitioner abruptly from service in the 1st week of October, 1991 without assigning any reason. The Petitioner was illegally stopped from service for no fault of his. There was no charge against him and no enquiry was conducted. The Petitioner was not at all heard. The Petitioner was not afforded with any opportunity to represent or defend. The said super-

visor had no authority or competency to terminate the contract of service of the Petitioner. Hence, the termination of the Petitioner is illegal, ultra virus and is invalid in law and against the canons of natural justice. However, the Petitioner has made an earnest appeal to the management of M/s. Rao Seismic Services Pvt. Ltd. for his reinstatement but it ended in vain. The Petitioner was lastly sent a notice on 11th November, 1991 to M/s. Rao Seismic Services Pvt. Ltd. demanding for his reinstatement with continuity of service, back wages and all other attendant benefits. The notice sent by registered post was returned as refused by the addressee. The Petitioner has raised an industrial dispute on 26-11-91 against M/s. Rao Seismic Services Pvt. Ltd. and M/s. Birla Engineering Services before the Labour Officer, Cuddalore for conciliation. But both the managements have not available for any settlement. So, it resulted in a failure. Subsequent to failure of conciliation report of the Labour Officer, Cuddalore, the Petitioner has raised an industrial dispute before the Labour Court, Cuddalore. M/s. Rao Seismic Services Pvt. Ltd. and M/s. Birla Engineering Services claimed to be sub-contractor and contractor respectively in respect of the works under Oil and Natural Gas Commission, the principal employer, they contended before the Labour Court, Cuddalore in I.D. No. 527/92 that the Oil and Natural Gas Commission is a necessary party to the dispute and the claim of the Petitioner before the Labour Court was not maintainable on that score. Hence, on the said preliminary issue, the Presiding Officer of the Labour Court at Cuddalore passed an order holding that Oil and Natural Gas Commission is a necessary party to the dispute and directed the Petitioner to raise an industrial dispute before the Assistant Commissioner of Labour (Central), Chennai for conciliation, since Oil and Natural Gas Commission is a Central Government of India Undertaking. Accordingly, the I.D. No. 527/92 was dismissed on 8-6-93. The Petitioner's sincere efforts and representations made to the management of Respondents for his reinstatement did not yield any fruitful result. Ultimately the Assistant Commissioner of Labour (Central), Chennai, sent a failure report of conciliation. So, the Government of India, Ministry of Labour has referred this dispute for adjudication by the Tribunal. The Management of M/s. Birla Engineering Services and Oil and Natural Gas Commission are vicariously liable to answer the claim of the Petitioner under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and as per Labour Law Enactments. Hence, the Petitioner requests this Hon'ble Tribunal to pass an award against all the three managements directing them to reinstate the Petitioner into service with continuity of service and back wages etc. from the date of termination together with costs.

3. The management of M/s. Rao Seismic Services Pvt. Ltd. (hereinafter refers to as 1st Respondent) has filed a Counter Statement. The averments in the Counter Statement are briefly as follows :—

Oil and Natural Gas Commission, Madras is engaged in the exploration and location of oil fields in the country. Cauvery Basin is one of the areas identified for oil exploration. Oil and Natural Gas Commission had entered into a contract with a Russian Firm called M/s. Techno Export, USSR, which was later on

renamed as V/o Machino Imports for supply of rigs and to dig wells as per the direction of the Geologists and Engineers of Oil and Natural Gas Commission. The said Russian Firm brought in three rigs for digging wells in the Cauvery Basin. Each rig will have its own crew and service personnel, who will move along with the rig from one site to another for boring wells. Normally, there will be no inter-transfer of service personnel among the three rigs. While the machinery and equipments of the rigs were brought by the Russian Firm, machino imports, the said Russian Firm used to place inducts on M/s. Birla Engineering Services (hereinafter refers to as 2nd Respondent), a division of General Marketing and manufacturing Co. Ltd., for supply of diesel housing facilities and manual labour. On 14-9-88, the 2nd Respondent M/s. Birla Engineering Services entered into a contract with 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. for supply of trained manpower for drilling operations of the 2nd Respondent to the Russian Firm for operation of the rigs. M/s. Rao Seismic Services Pvt. Ltd. deployed the Petitioner to the 2nd Respondent, M/s. Birla Engineering Services, who in turn, placed the services of the Petitioner at the disposal of the Russian Firm to work as an assistant motor man. The Petitioner was required to attend to the maintenance of generator sets. The Petitioner worked in the group of workmen, attached to the rig, which was operating in Bhuvanagiri No. 7 well. There were several reports against the Petitioner that he was in the habit of pilfering materials belonging to the Russian Firm. Though the Petitioner was warned on several occasions, he continued to indulge in such pilferages. On 20-9-91, the Petitioner had stealthily removed a wrist watch belonging to a Russian Engineer. The Russian Firm addressed a letter dated 25-9-91 to the 2nd Respondent M/s. Birla Engineering Services informing that the Petitioner has stolen a wrist watch from a Russian Engineer and therefore, he should not be deployed for their work. Pursuant to the letter from the Russian Firm, the 2nd Respondent M/s. Birla Engineering Services sent a letter dated 26-9-91 requesting M/s. Rao Seismic Services Pvt. Ltd. that the Petitioner should be replaced with some other assistant motor man. Accordingly, the Petitioner was not deployed for work from 26-9-91. The 1st Respondent was only a contractor for the 2nd Respondent, who in turn was a contractor to the Russian Firm Machino Imports. No workman engaged by the 1st Respondent can claim a right for employment because the opportunity for engaging the services of these workmen were subject to the subsistence of the contract and the principal being satisfied with the men deployed by them. When the principal has given categorical instructions not to depute the Petitioner, the 1st Respondent had little choice. Therefore, the non-employment of the Petitioner cannot be said to be unjustified. In fact, it was the Petitioner who has brought about the situation whereby he could not be deployed for work. Therefore, it is prayed that this Hon'ble Court may be pleased to hold that the non-employment of the Petitioner is justified and he is not entitled to any relief. Oil and Natural Gas Commission was operating 3 rigs in the Cauvery basin. One rig was operating at Pan-rutti, second rig at Bhuvanagiri 7 site and the 3rd rig at Tirutonipuram near Mayavaram. The Petitioner was working in the Bhuvanagiri 7 drill site, till his engage-

ment came to an end on 26-9-91. The work at Bhuvanagiri 7 site was completed on 20-10-91 and the said rig along with the site personnel were shifted to additional site No. 1 Tirutonipuram called TRM. On 30-12-91, a notice was put up informing that the work at Tirutonipuram No. 1 site will be completed on 1-2-92 and the concerned workmen will be retrenched from services. Following this notice, the workmen in all the sites went on strike. On 8-1-92 the representatives of the workmen and the Respondent came to an understanding before the Sub-Collector, Cuddalore by which it was agreed that any workman whose services were to be dispensed with due to the closure of the site work will be paid compensation @ 150 days wages. The remaining workmen in the site were also terminated by 15-11-1992. Even if the Petitioner had continued in employment, consequent to the completion of the work at Bhuvanagiri 7 site, he would have been shifted to Tirutonipuram 1 site and his services would also have come to an end on 1-2-92. Therefore, even if for any reason, it is held that some relief to the Petitioner is called for, at best, he can only claim wages for the period upto 31-1-92 and compensation @ 150 days wages. Under no circumstances, he would be entitled to relief of reinstatement. When the work of the 1st Respondent itself was temporary, there was no scope to treat the Petitioner as a permanent workman. The cessation of employment of the Petitioner is valid in law and justice and the Petitioner is not entitled to any relief. Therefore, this Hon'ble Court may be pleased to pass an award rejecting the claim of the Petitioner.

4. The management of M/s. Birla Engineering Services (hereinafter refers to as 2nd Respondent) has filed a Counter Statement. The averments in that Counter Statement are briefly as follows :—

This industrial dispute is not maintainable as against this Respondent, since admittedly there was no master and servant relationship between the Petitioner and this Respondent. The relief claimed in the petition is only against other Respondents and therefore, this Respondent is an unnecessary party to the proceedings. The 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. is a contractor appointed by this Respondent for supply of manpower to the Russian experts at the drilling sites and base camp. As such, the 1st Respondent employed several employees including the Petitioner for drilling work of Bhuvanagiri 7 site. The payment of the Petitioner was made only by M/s. Rao Seismic Services Pvt. Ltd., the 1st Respondent. Since the averments contained in paras 1 to 7 do not pertain to this Respondent, this Respondent is not averting to the said averments. With regard to averment in para 8, it is not correct to state that this Respondent is vicariously liable to answer the claim of the Petitioner under the provisions of contract labour (Regulation and Abolition) Act, 1970. The terms of reference made by the Government pertain only to the 1st Respondent and in such circumstances, it is beyond the scope of the terms of reference to grant any relief against this Respondent. In any event, the this Respondent, since no privity of contract existed between the Petitioner and this Respondent. The drilling work at Cauvery basin has come to an end. All the remaining employees were retrenched from service

after due notice and payment by the 1st Respondent. Hence, the claim of reinstatement with back wages as claimed by the Petitioner is totally not maintainable and liable to be dismissed. Hence, this Hon'ble Court may be pleased to dismiss the claim of the Petitioner against this Respondent.

5. Oil and Natural Gas Commission, Madras (hereinafter refers to as 3rd Respondent) has filed a separate Counter Statement. The averments in that Counter Statement are briefly as follows :—

There is no averment whatsoever in the claim petition that the Petitioner in his capacity as employee of the 1st Respondent was at any time engaged in any projects of this Respondent. There is absolutely no privity between the Petitioner and this Respondent. The 1st and 2nd Respondents are corporate bodies, who undertake work for various organisations, one among which is this Respondent. Admittedly, the Petitioner has not worked at any point of time for this Respondent. On the contrary, it is the case of the Petitioner that he has been engaged by the 1st Respondent originally as an Electrician from 11-11-86 to 29-2-88 and thereafter as a motorman till the end of September, 1991. The Petitioner has further stated that it is the 1st Respondent who is his immediate employer. The Petitioner has not made out any case that there exists an employer and employee relationship between him and this 3rd Respondent, whereby being entitled to raise an industrial dispute. Therefore, this 3rd Respondent is an unnecessary party to the proceedings. In view of the fact that there is no employer and employee relationship between this Respondent and the Petitioner, the Petitioner does not have locus standi to raise this industrial dispute. The Petitioner himself admitted that it is the 1st Respondent who is his employer, under whose supervision, guidance and instructions, the Petitioner has been discharging his duties. The very claim of the Petitioner is for a declaration as to whether his termination by the 1st Respondent is legal and justified and seeking his reinstatement together with back wages from the date of termination till date of reinstatement. Therefore, even as per the claim, the present dispute as against this Respondent is liable to be dismissed. The law is now well settled that the workmen of a contractor cannot be deemed to be the direct employees of the principal employer. In the instance case, the Petitioner is only an employee of the 1st Respondent, who at times engaged by the 2nd Respondent to whom a few of the contracts were given by this Respondent. The Petitioner has himself admitted that his salary, bonus and other perks are being paid to him only by 1st Respondent and nowhere, the Petitioner has stated that he had been engaged to do this Respondent's work. Therefore, the Petitioner has failed miserably to make out an employer-employee relationship with this Respondent. There has been no prior notice to this Respondent and it was only after the conciliation before the Asstt. Labour Commissioner (Central), Madras that this Respondent for the first time had heard about the Petitioner. This Respondent had filed a counter before the conciliation officer denying the existence of an employer-employee relationship. The Petitioner's remedy is only against the 1st and 2nd Respondents, since these Respondents are undertaking projects even from other companies and the

2nd Respondent is not the exclusive contractor of this Respondent. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the application as against this Respondent.

6. When the matter was taken up for enquiry, the Petitioner has examined himself as MW1 and one Sri Varaprasad Rao, Supervisor of the 1st Respondent and Mr. P. T. Anjo, Manager (P & A) of the 3rd Respondent have examined as MW1 and MW2 respectively. No one on behalf of the 2nd Respondent has been examined as a witness for the management. The Petitioner has not filed any documents as exhibits on the side. On the side of the management, 9 documents have been filed and exhibited as Ex. M1 to M9. The arguments of the learned counsel for the 2nd Respondent was heard. The written arguments were filed by the learned counsel for the Petitioner and the learned counsel for the 3rd Respondent.

7. The Point for my consideration is —

“Whether the action of the Management of Rao Seismic Pvt. Ltd., Contractor of O.N.G.C. in terminating the services of Shri G. Subramanian w.e.f 1-11-91 is legal and justified? If not, to what relief is the workman entitled?”

Point:—

It is the averment of the Petitioner in his Claim Statement itself that he was employed as an Electrician (skilled worker) by M/s. Rao Seismic Services Pvt. Ltd. from 11-11-86 and that he was worked as such till 29-2-88 and thereafter, he was deployed as a motor man till the end of September, 1991. It is also his plea in the Claim Statement that the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. is a subcontractor of M/s. Birla Engineering Services, who in turn is the contractor in Oil & Natural Gas Commission of India. He has not disputed the averment of the 1st Respondent in their Counter Statement that Oil & Natural Gas Commission, Madras had entered into a contract with a Russian firm called M/s. Techno Expert, USSR, which was later on renamed as 'V/O Machino Import', for supply of rigs and to dig wells as per the direction of the Geologists and Engineers of Oil & Natural Gas Commission and that the said Russian firm brought in three rigs for digging wells in the Cauvery basin and each rig will have its own crew and service personnel will move along with the rig from one site to another for boring wells and normally there will be no inter-transfer of service personnel among the three rigs and that while the machinery and equipments of the rigs were brought by the Russian firm Machino Imports, the said Russian firm used to place indents on the 2nd Respondent for supply of diesel, housing facilities and manual labour. It is the contention of the 1st Respondent that on 14-9-88, the 2nd Respondent entered into a contract with the 1st Respondent for supply of trained manpower for drilling operations of the 2nd Respondent to the Russian firm for operation of the rigs and that the 1st Respondent deployed the Petitioner to the 2nd Respondent, who in turn placed the services of the Petitioner at the disposal of the Russian firm to work

as an Assistant motorman and as an assistant motorman, the petitioner was required to attend to the maintenance, of generator sets. All these things have not been disputed by the Petitioner/Workman. It is further averred by the 1st Respondent that the Petitioner worked in the group of workmen attached to the rig which was operating in Bhuvanagiri No. 7 well and on 20-9-91, the Petitioner had stealthily removed a wrist watch belonging to a Russian Engineer and the Russian firm addressed a letter dated 25-9-91 to the 2nd Respondent M/s. Birla Engineering Services informing that the Petitioner has stolen a wrist watch from a Russian Engineer and therefore, he should not be deployed for their work and pursuant to the letter from the Russian firm, the 2nd Respondent M/s. Birla Engineering Services sent a letter dated 26-9-91 requesting M/s. Rao Seismic Services Pvt. Ltd. that the Petitioner should be replaced with some other assistant motorman and accordingly, the Petitioner was not deployed for work from 26-9-91 and it is the further contention of the 1st Respondent that the 1st Respondent was only a contractor for the 2nd Respondent, who in turn was a contractor to the Russian firm Machino Imports and no workman engaged by the 1st Respondent can claim a right for employment because the opportunity for engaging the services of these workmen were subject to the subsistence of the contract and the principal being satisfied with the men deployed by them. All these things have not been disputed by the Petitioner/Workman. Though all these things have not been stated in the Claim Statement of the Petitioner, when all these allegations have been mentioned in the Counter Statement of the 1st Respondent, it has not been disputed by the Petitioner by way of filing any reply statement. On the other hand, the Petitioner himself has examined as WW1 in this case and the Supervisor mentioned in the Claim Statement of the Petitioner one Sri Sri Varaprasad Rao has been examined as MW1, the witness for the 1st Respondent. The Petitioner has filed a proof of affidavit to be treated as his Chief Examination. In the cross examination, he has admitted that he was working at the Bhuvanagiri No. 7 site as assistant motor mechanic and electrician and he had to help the Russian Engineers in mechanical as well as electrical work and that the work at Bhuvanagiri Oil Well was completed in the year 1991 and the work at Tirunipuram was completed in the month of February, 1992. It is the admission of the Petitioner in the cross examination that Ex. M1 is the xerox copy of the wage bill for the month of August, 1991 and his gross salary of Rs. 984 was given by M/s. Rao Seismic Services Pvt. Ltd., Madras. When he has been cross examined by the counsel for the 3rd Respondent, he has admitted that he was employed under M/s. Rao Seismic Services Pvt. Ltd. and he used to draw his wages from that Management, which is a sub-contractor of Oil & Natural Gas Commission. It is his further admission that wherever M/s. Birla Engineering Services direct the 1st Respondent to do the job the 1st Respondent used to do the job at that place and he had not drawn any wages from Oil & Natural Gas Commission at any time. It is his further admission that he has not filed any document to show that he had ever worked under the supervision of Oil & Natural Gas Commission, Madras and that he is not having identity card of Oil & Natural Gas Commission and he was not employed directly by Oil & Natural Gas Commission and one person cannot work in three

companies at a time and a person can work only in one company and he asked for reinstatement in service only in the 3rd Respondent/Management Oil & Natural Gas Commission. MW1 Sri Sri Varaprasad Rao has given his evidence that he was working as a supervisor in the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. and they have no connection with the 3rd Respondent Oil & Natural Gas Commission, Madras and the 1st Respondent was a sub-contractor of the 2nd Respondent M/s. Birla Engineering Services, Cuddalore as suppliers of manpower and that for the work of the 3rd Respondent, Russian firm V/O Machino Imports supplied rigs and the Russians were operating those rigs to dig wells and that at the Cauvery Basin, three rigs were operated and they used to dig wells with those rigs at the places, where Oil & Natural Gas Commission fix for digging wells. It is his further evidence that for the manpower and other amenities, the Russian firm had contract with the 2nd Respondent M/s. Birla Engineering Services, Cuddalore, under them, the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. was a sub-contractor for providing manpower and that they have taken licence for this contract from the Assistant Labour Commissioner (Central), Madras. The xerox copy of the same is Ex. M2. It is his further evidence that the Petitioner was working in the Bhuvanagiri 7 site. The wage bill for the month of September, 1991 is Ex. M3 and in that the Petitioner has drawn the salary of Rs. 984 as his gross salary. He has further deposed that the 2nd Respondent have reported that in September, 1991, there was a complaint that a watch of the Russian Specialist working in that Bhuvanagiri 7 site was stolen and the letter to that extent dated 25-9-91 was given by V/O Machino Imports to the 2nd Respondent, the xerox copy of the letter is Ex. M4 and the 2nd Respondent gave a complaint dated 26-9-91, the xerox copy of the same is Ex. M5 and in that report, they have stated that the Petitioner has stolen diesel in the drill site and a wrist watch belonging to the Russian Specialist and they requested for providing some other person instead of the Petitioner and the laboratory worker by name Mr. V. Moorthy, who was also working at Bhuvanagiri No. 7 site gave a report dated 10-9-91, the xerox copy of the same is Ex. M6 and one Security by name Mr. Amalanathan, who was working in the Bhuvanagiri drill site gave a report dated 20-9-91, the xerox copy of the same is Ex. M7. Therefore, they terminated the services of the Petitioner and the work at Bhuvanagiri Drill 7 site was completed in October, 1991 and a settlement was made for giving compensation to the workers and the xerox copy of the settlement is Ex. M8 and the persons who left the service earlier were agreed to be paid 90 days wages and by the end of 1992 the work in other two drill sites were completed and the xerox copy of the agreement of the 1st Respondent entered into with the workers for payment of one month's notice salary and 15 days salary as compensation is Ex. M9. In the cross examination, MW1 has stated that no police complaint was given against the Petitioner for his misconduct, since the workers at the site requested not to give police complaint. It is also his admission that no enquiry was conducted for the alleged misconduct of the Petitioner, since the Petitioner has committed various misconducts in the previous periods and he was given warning in all those occasions. He has denied the suggestion that Exs. M4 to M7 are created documents for the purpose of this case and he had no

personal enmity between himself and the Petitioner and the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. is not in existence for the past six years. MW2, working Manager (P&A) of the 3rd Respondent had deposed that the 3rd Respondent Oil & Natural Gas Commission was engaged in the work of drilling and oil exploration at various sites known as Cauveri Basin and for this work, they had entered into a contract with one Russian firm by name V/O Machino Imports and they engaged local contractors for carrying out this oil exploration work and this Russian firm had engaged M/s. Birla Engineering Services as a contractor for supply for manpower, who in turn have engaged sub-contractor, the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. and they have not entered into any contract either with the M/s. Birla Engineering Services or M/s. Rao Seismic Services Pvt. Ltd. and that the Petitioner Sri Subramanian was employed by the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. and the 3rd Respondent Oil & Natural Gas Commission used to appoint workers through Employment Exchange and by open advertisement and the 3rd Respondent Oil & Natural Gas Commission has got a recruitment and promotion policy from the year 1980 and that is being followed for recruiting the workmen for Oil & Natural Gas Commission as and when it is necessary and the Oil & Natural Gas Commission disburses salary to their workmen by pay slips, by cheques and there is no employer-employee relationship between the Petitioner and the 3rd Respondent Oil & Natural Gas Commission. All these things have not been disputed by the Petitioner and nothing has been elicited in the cross examination of the witnesses by the counsel for the Petitioner to discredit their evidence in the Chief Examination. From all these oral and documentary evidence and the facts available in this case, it is seen that the Petitioner was neither appointed nor terminated by the Oil & Natural Gas Commission, the 3rd Respondent herein, like that, he was not appointed or terminated by the 2nd Respondent M/s. Birla Engineering Services. It is the definite admission of the Petitioner himself that he was employed only by the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. Under such circumstances, as it is contended by the learned counsel for the 3rd Respondent, in the absence of any specific, categorical, oral and documentary evidence in support of the claim of the Petitioner, it can be concluded that there is no employer-employee relationship between the Petitioner and the 2nd and 3rd Respondents. So, the Petitioner is not entitled for the relief claimed against them. On the other hand, it is the evidence of MW1 and also the documents filed on the side of the 1st Respondent that the Petitioner was engaged only by the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd., who in turn provided the Petitioner as a manpower to the 2nd Respondent, who had entered into a contract with the Russian Company, who had taken the operation of drilling the oil wells for the 3rd Respondent Oil & Natural Gas Commission, Chennai. From the available materials in this case, it is seen that there was only employer-employee relationship between the Petitioner and the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd., and not with any other Respondents. Further, the other documents and oral evidence given by MW1 go to show that while employed by the 1st Respondent, the Petitioner was engaged in the Bhuvanagiri Site and he had committed various misconducts for which a complaint has been preferred

against him and the 1st Respondent had warned him many times and subsequently, on the complaint given by the Russian Engineer to their Contractor M/s. Birla Engineering Services under Ex. M4, the 2nd Respondent gave another complaint under Ex. M5, requesting the 1st Respondent not to depute the Petitioner for the work in the side and requested them to provide some other person, instead of the Petitioner and in pursuance of the same, the Petitioner was not deputed to Bhuvanagiri site. It is also the evidence of MW1 as per Ex. M6 and M7 that the Petitioner has committed various misconducts previously and all these things were taken into consideration by the 1st Respondent for retrenching the Petitioner from the service of the 1st Respondent. It is not disputed that the work at Bhuvanagiri site 7 was completed in October, 1991 and the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. is not in existence for the past six years. It is clearly seen from the evidence of MW1 and the documentary evidence filed on the side of the management that it is only a seasonal work taken as a contractual work by the 1st Respondent and the Petitioner was engaged by the 1st Respondent for such work and as and when the work was available, he was given that employment. So, it cannot be said that he is a permanent employee of the 1st Respondent. Furthermore, because of the misconducts committed by the Petitioner during his employment and on the basis of the complaint preferred against him, he was non-employed by the 1st Respondent. Under such circumstances, it cannot be said that the Petitioner was non-employed by the 1st Respondent for no fault of his and it is unjustified. Further, as it is stated in the Schedule of Reference of this industrial dispute by the Govt., the 1st Respondent M/s. Rao Seismic Services Pvt. Ltd. is not entered into a contract with Oil & Natural Gas Commission. From all these available materials in this case, it is seen that the action of the management of M/s. Rao Seismic Services Pvt. Ltd., the 1st Respondent in terminating the services of Shri G. Subramanian w.e.f. 1-11-1991 is legal and justified. Under such circumstances, it can be held that the relief prayed for by the concerned workman Sri G. Subramanian cannot be granted against all the three Respondents. Thus, the point is answered accordingly.

8. In the result, an Award is passed holding that the relief prayed for by the 1st Party/workman Sri G. Subramanian cannot be granted as he is not entitled for the same. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

For the I Party/Workman : WW1 Sri. G. Subramanian.

For the II Party/Management : MW1 Sri G. S. Varaprasadarao

MW2 Sri P. T. Anto.

DOCUMENTS MARKED :

For the I Party/Workman : Nil

For the II Party|Management :—

Ex. No. Date Description.

- M1 1-8-91 to 31-8-91—Extract of the wage register pertaining to the Petitioner.
- M2 24-8-90 & 6-9-88—Xerox copy of the letter of Assistant Labour Commissioner to the Respondent No. 1 regarding contract labour renewal of licence.
- M3 1-9-91 to 30-3-91—Extract of wage register pertaining to Petitioner.
- M4 25-9-91—Xerox copy of the letter from Dy. Party Chief of V/O Machino Imports to 2nd Respondent.
- M5 26-9-91—Xerox copy of the letter from 2nd Respondent to 1st Respondent.
- M6 10-9-91—Xerox copy of the letter from Sri V. Moorthy to 1st Respondent.
- M7 20-9-91—Xerox copy of the letter from Sri Amalanathan to the 1st Respondent.
- M8 8-1-92—Xerox copy of the memorandum of agreement reached between the union of 1st Respondent and the management of 1st Respondent before The Sub-Collector, Guddalore.
- M9 14-11-92—Xerox copy of the English translation of the Agreement made on 14-11-92 under section 18(1) of I.D. Act between the 1st Respondent and its Workmen.

नई दिल्ली, 22 फरवरी, 2002

का. आ. 978:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन आंयल कॉ. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 174/1994 को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-02-02 को प्राप्त हुआ था।

[सं. एल.—30012/23/93—आई. आर. (सी.—I)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 22nd February, 2002

S.O. 978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 174/1994) of the Central Government Industrial Tribunal Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of

710 GI/2002—21

Indian Oil Co. Ltd. and their workman, which was received by the Central Government on 21-02-2002.

[No. L-30012/23/93-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 174 of 1994

Provincial Secretary,
Petroleum Workers Union,
S.C.O. 145-146, Sector 8-C,
Chandigarh.

Petitioner

Vs.

Executive Director,
M/s. Indian Oil Corporation Ltd.,
World Trade Centre, Babar Road,
New Delhi-110001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Shri Paramjit Singh.

AWARD

(Passed on 5th February, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-30012/(23)/93-I.R.(D) (Col-I) dated Nil has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Indian Oil Corporation Ltd. Bhatinda in terminating the services of Sh. Surender Singh Bains, Watchman-cum-peon-cum-Khalasi w.e.f. 14-1-89 is justified? If not, to what relief the concerned workman is entitled and from what date?”

2. None has put up appearance on behalf of the workman nor any evidence of the workman is present. It appears that workman is not interested to pursue with the present reference. In view of the above, present reference is accordingly returned to the Central Govt. Central Govt. be informed.

Chandigarh.

.. Petitioner.

5-2-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 22 फरवरी, 2002

का. आ. 979:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार में, एलाइंस एयर चेन्नई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 603/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-02-2002 को प्राप्त हुआ था।

[सं. एल.—11012/31/2001-आई. आर. (सी०-I)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 22nd February, 2002

S.O. 979.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 603/2001) of the Central Government Industrial Tribunal Chennai, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Alliance Air, Chennai and their workman, which was received by the Central Government on 20-2-2002.

[No. L-11012/31/2001-IR (C-I)]

S. S. GUPTA. Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st January, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTE NO. 603/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri R. B. Paulraj and the Management of Alliance Air.)

BETWEEN

Shri R. B. Paulraj : I Party/Workman.

AND

The Manager (Grd. Opns). : II Party/Management.
M/s. Alliance Air, Chennai.

APPEARANCE :

For the Workman : Unrepresented.

For the Management : M/s. N. G. R. Prasad,
S. Vaidyanathan,
& W.T. Prabhakar,
Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-11012/31/2001-IR (C-I) dated 10-8-2001.

On receipt of the order of reference from the Ministry of Labour, the case has been taken on file as I.D. No. 603/2001 and notices were sent to both the parties to the dispute, with a direction to appear before this Tribunal on 26-9-2001 to prosecute this case further. On 2-11-2001, the learned counsel for the II Party/Management entered appearance and filed vakalat and the I Party/workman remained absent. There was no representation at all for the I Party/Workman. Fresh notice by registered post with acknowledgement due was ordered for the hearing on 16-11-2001. Though the notice was duly served on the I Party for hearing 16-11-2001 and the postal acknowledgement for the same has been received, the I Party/Workman has not chosen to appear before this Court, but remained absent. In spite of the case has been adjourned to subsequent dates, for the I party/workman to file his Claim Statement, he has not filed his Claim Statement. Hence, the counsel for the II Party/Management was directed to file Statement of Objection for the II Party/Management to the claim made by the I Party/Workman by raising this industrial dispute against the II Party/Management, which has been referred to in the order of reference passed by the Govt. for adjudication by this Tribunal. Accordingly, the II Party/Management has filed the statement of objection to the claim of the I Party/Workman mentioned as an industrial dispute. The counsel for the II Party/Management has filed a copy of the claim petition filed by the I Party/Workman under section 2A of the Industrial Disputes Act, 1947 before the conciliating authority, while raising this dispute against the II Party/Management for conciliation and has advanced his arguments this day.

2. Upon perusing the order of reference in respect of this industrial dispute between the parties, the statement of objection filed by the II party/Management, the other material papers on record and on hearing the learned counsel for the II Party/Management, and after considering all these relevant aspects, this Tribunal has passed on merits, the following :—

AWARD

The industrial dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Management of M/s. Alliance Air in terminating the services of the workman Shri R. B. Paulraj is justified? If not, to what relief is he entitled?”

3. The averments in the Statement of Objection filed by the II Party/Management M/s. Alliance Air, Chennai (hereinafter refers to as Respondent) are briefly as follows :—

This Statement of Objection of the II Party/Management has been filed as a reply to the dispute

that has been raised by I Party/Workman before the conciliating authority, since the I Party/Workman has not appeared and filed any Claim Statement before this Tribunal in this industrial dispute. It is averred in the Statement of Objection filed by the Respondent that at no point of time Petitioner/Workman Sri R. B. Paul Raj was employed by Respondent/Management and no appointment order was given to him and no salary was paid by the Respondent. The Petitioner/Workman was not under the control of the Respondent/Management and the contractor was given a specified amount of money towards supervision of the casual labour provided by him and it was the contractor who had paid the Petitioner/Workman for the work done. It is also averred in the Statement of Objection that admittedly unlike the direct employees the Petitioner/Workman was not eligible for any welfare schemes like provident fund, sick leave, casual leave, privilege leave, over stay allowance, yearly increment of salary and free air passage from the Respondent/Management and these welfare schemes are only meant for the employees who were directly employed by the Respondent and not by any contractor. Further it is averred that since the Respondent was not happy with the contractor, the Respondent terminated the contract with Mr. Gopi and the contractor terminated the services of the Petitioner. The Respondent/Management denied the allegation of the Petitioner that the Manager (Ground Operations) of the II Party/Management had promised to give the Petitioner/Workman direct employment. It is also averred in the statement of objection that the Petitioner could have easily gone to the contractor and sought employment, but he has deliberately not chosen to do so. On the contrary, he has been harping for employment only with the Respondent, who have only a particular sanctioned strength. Further the Petitioner/Workman was not employed by the Respondent and hence the claim of the Petitioner is not justified. Therefore, it is prayed that the Hon'ble Tribunal may be pleased to close this dispute and pass an award accordingly.

4. The point for my consideration is :—

“Whether the action of the Management of M/s. Alliance Air in terminating the services of the workman Shri R. B. Paulraj is justified? If not, to what relief he is entitled?”

Point :—

Though the I Party/Workman Sri R. B. Paulraj (hereinafter refers to as Petitioner) has raised this industrial dispute against the II Party/Management, Manager, Alliance Air, (Subsidiary of Indian Airlines Ltd.), Chennai, he has not chosen to appear before this Tribunal inspite of notice sent by registered post has been served on him, he has not chosen to file any Claim Statement put forth his claim raised as an industrial dispute against the II Party/Management. In the absence of the Claim Statement of the I Party/Workman, the II Party/Management has filed their statement of objection to the claim made by the Petitioner/Workman, by raising this industrial dispute against them, by way of statement of objection as a reply to the case of the Petitioner put forth in his earlier claim petition filed under section

2A of Industrial Disputes Act, 1947 before the Labour Commissioner for conciliation.

5. It is specifically averred in the statement of objection that at no point of time, the Respondent/Management had employed the Petitioner/Workman and no appointment order was given to him and no salary was paid by the Respondent and the Petitioner was not under the control of the Respondent and the contractor was given a specified amount of money towards supervision of the casual labour provided by him and it was the contractor who had paid him for the work done. This un rebutted averments of the II Party/Management shows that there was no employee and employer relationship between the I Party/Workman and the II Party/Management. All these specific averments in the statement of objection by the II Party/Management remained undisputed as the I Party/Workman has not chosen to appear before this Tribunal to put forward his claim and to deny the stand taken by the II Party/Management against the claim he has made earlier before the conciliating authority. All these averments of the II Party/Management in respect of the claim of the I Party/Workman raised in this industrial dispute have not chosen to be denied or contradicted by the Petitioner/Workman by making his plea and proving the same by acceptable legal evidence.

6. Under such circumstances, it is seen that there is no question of terminating the Petitioner Sri R. B. Paul Raj from services by the II Party/Management M/s. Alliance Air. From the averments of the II Party/Management in respect of the employment of the I Party/Workman, it is seen that he was neither appointed by the II Party/Management in service nor terminated from service. Hence, the Petitioner/Workman is not entitled to any relief against the II Party/Management, M/s. Alliance Air, Chennai, in respect of his employment. Thus, the point is answered accordingly.

7. In the result, an award is passed on merits, holding that the Petitioner/Workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st January, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None.

Documents Marked :—

On either side : Nil.

नई दिल्ली, 22 फरवरी, 2002

का. आ. 980:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एलाइंस एअर, चेन्नई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 605/2001) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 20-02-2002 को प्राप्त हुआ था।

[सं. एल.-11012/33/2001-आई. आर. (सी.-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 22nd February, 2002

S.O. 980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 605/2001) of the Central Government Industrial Tribunal Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Alliance Air, Chennai and their workman, which was received by the Central Government on 20-2-2002.

[No. L-11012/33/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st January, 2002

PRESENT :

K. Karthikeyan.—Presiding Officer.

Industrial Dispute No. 605/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri S. Velmurugan and the Management of Alliance Air.).

BETWEEN

Shri S. Velmurugan . . I Party/Workman

AND

The Manager (Grd. Opns),
M/s. Alliance Air, Chennai. . . II Party/Management

APPEARANCE :

For the Workman.—Unrepresented.

For the Management.—M/s. N. G. R. Prasad,
S. Vaidyanathan, and W. T. Prabhakar,
Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-11012/33/2001-IR(C-1) dated 10-8-2001.

On receipt of the order of reference from the Ministry of Labour, the case has been taken on file

as I. D. No. 605/2001 and notices were sent to both the parties to the dispute, with a direction to appear before this Tribunal on 26-9-2001 to prosecute this case further. On 2-11-2001, the learned counsel for the II Party/Management entered appearance and filed vakalat and the I Party/Workman remained absent. There was no representation at all for the I Party/Workman. Fresh notice by registered post with acknowledgement due was ordered for the hearing on 16-11-2001. Though the notice was duly served on the I Party for hearing on 16-11-2001 and the postal acknowledgement for the same has been received, the I Party/Workman has not chosen to appear before this Court, but remained absent. In spite of the case has been adjourned to subsequent dates, for the I party/workman to file his Claim Statement, he has not filed his Claim Statement. Hence, the counsel for the II Party/Management was directed to file Statement of Objection for the II Party/Management to the claim made by the I Party/Workman by raising this industrial dispute against the II Party/Management, which has been referred to in the order of reference passed by the Government for adjudication by this Tribunal. Accordingly, the II Party/Management which has been referred to in the order the claim of the I Party/Workman mentioned as an industrial dispute. The counsel for the II Party/Management has filed this statement of objection to the claim made by the Petitioner/Workman in his earlier Claim Statement filed before the conciliating authority while raising this dispute for conciliation. The learned counsel for the II Party/Management has advanced his arguments this day.

2. Upon perusing the order of reference in respect of this industrial dispute between the parties, the statement of objection filed by the II Party/Management, the other material papers on record and on hearing the learned counsel for the II Party/Management, and after considering all these relevant aspects, this Tribunal has passed on merits, the following :—

AWARD

The industrial dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the management of M/s. Alliance Air in terminating the services of the workman Shri S. Velmurugan is justified? If not, to what relief is he entitled?”

2. The averments in the Statement of Objection filed by the II Party/Management, M/s. Alliance Air, Chennai (hereinafter refers to as Respondent) are briefly as follows :—

This Statement of Objection of the II Party/Management has been filed as a reply to the dispute that has been raised by I Party/Workman before the conciliating authority, since the I Party/Workman has not appeared and filed any Claim Statement before the Tribunal in this industrial dispute. It is averred in the Statement of Objection filed by the Respondent that at no point of time Petitioner/Workman Sri S. Velmurugan was employed by Respondent Management and no appointment order was given to him and no salary was paid by the Respondent. The Petitioner/Workman was not under the control of the Respondents/Management and the contractor was given a specified amount of money towards supervision of the casual labour provided by him and it was the contractor who had paid the Petitioner/Workman for

Objection that admittedly unlike the direct employees the Petitioner Workman was not eligible for any welfare schemes like provident fund, sick leave, casual leave, privilege leave, over stay allowance, yearly increment of salary and free air passage from the Respondent/Management and these welfare schemes are only meant for the employees who were directly employed by the Respondent and not by any contractor. Further it is averred that since the Respondent was not happy with the contractor, the Respondent terminated the contract with Mr. Gopi and the contractor terminated the services of the Petitioner. The Respondent/Management denied the allegation of the Petitioner that the Manager (Ground Operations) of the II Party/Management had promised to give the Petitioner/Workman direct employment. It is also averred in the statement of objection that the Petitioner could have easily gone to the contractor and sought employment, but he has deliberately not chosen to do so. On the contrary, the work done. It is also averred in the Statement of he has been harning for employment only with the Respondent, who have only a particular sanctioned strength. Further the Petitioner/Workman was not employed by the Respondent and hence the claim of the Petitioner is not justified. Therefore, it is prayed that the Hon'ble Tribunal may be pleased to close this dispute and pass an award accordingly.

3. The point for my consideration is—

“Whether the action of the Management of M/s. Alliance Air in terminating the services of the workman Shri S. Velmurugan is justified? If not, to what relief he is entitled?”

Point:—

Though the I Party/Workman Sri S. Velmurugan (herein after refers to as Petitioner) has raised this industrial dispute against the II Party/Management, Manager, Alliance Air, (Subsidiary of Indian Airlines Ltd.), Chennai, he has not chosen to appear before this Tribunal. In spite of notice and by registered post has been served on him, he has not chosen to file any Claim Statement put forth his claim raised as an industrial dispute against the II Party/Management. In the absence of the Claim Statement of the I Party/Workman, the II Party/Management has filed their statement of objection to the claim made by the Petitioner/Workman, by raising this industrial dispute against them, by way of Statement of objection as a reply to the case of the Petitioner put forth in his earlier claim petition filed under Section 2A of Industrial Disputes Act, 1947 before the Labour Commissioner for conciliation.

5. It is specifically averred in the statement of objection that at no point of time, the Respondent/Management had employed the Petitioner/Workman and no appointment order was given to him and no salary was paid by the Respondent and the Petitioner was not under the control of the Respondent and the contractor was given a specified amount of money towards supervision of the casual labour provided by him and it was the contractor who had paid the Petitioner/Workman for the work done. This unrebutted averments of the II Party/Management shows that there was no employee and employer relationship between the I Party/Workman and the II Party/Management. All these specific averments in the statement of objection by the II Party/Management remained undisputed as the I Party/Workman has not chosen to appear before this Tribunal to put forward his claim and to deny the stand taken by the II Party/Management against the claim he has made earlier before the conciliating authority. At these averments of the II Party/Management in respect of the claim of the I Party/Workman raised in this industrial dispute have not chosen to be denied or contradicted by the Petitioner/Workman by making his plea and proving the same by acceptable legal evidence.

6. Under such circumstances, it is seen that there is no question of terminating the Petitioner Sri S. Velmurugan from services by the II Party/Management M/s. Alliance Air. From the averments of the II Party/Management in respect of the employment of the I Party/Workman, it is seen that he was neither appointed by the II Party/Management in service nor terminated from service. Hence, the Petitioner/Workman is not entitled to any relief against the II Party/Management, M/s. Alliance Air, Chennai, in respect of his employment. Thus, the point is answered accordingly.

7. In the result, an award is passed on merits, holding that the Petitioner/Workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st January, 2002).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : —None.

Documents Marked :—

On either side : Nil.

नई दिल्ली, 22 फरवरी, 2002

का. आ. 981.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इण्डिया लिमिटेड के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, मुंबई के पंचाट (संदर्भ संख्या सी जी आई टी 2/106 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-02-02 को प्राप्त हुआ था।
[सं. एल.-11012/52/2001आई ऑफर (सी.-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 22nd February, 2002

S.O. 981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT 2/106 of 2001) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman which was received by the Central Government on 20-02-2002.

[No. L-11012/52/2001-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. II.
MUMBAI

PRESENT :

S. N. SAUNDANKAR, Presiding Officer
REFERENCE No. CGIT-2/106 of 2001

Employers in relation to the Management of AIR India.

The Managing Director,
Air India Ltd.,
Old Airport,
Santacruz,
Mumbai-400029.

AND

Their Workmen

Shri R. K. Patel,
4/121, Shastri Nagar,
Goregaon (West),
Mumbai-400104.

APPEARANCES :

For the Employer.—Mr. Liaz Mohd.
Representative.

For the Workmen.—No Appearance.

Mumbai, dated 30th January, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-11012/52/2001-IR(C-I), dated 10th August, 2001, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this tribunal for adjudication :—

“Whether the action of the management of Air India Ltd. Mumbai in dismissing the service of Mr. R. K. Patel, Ex-chief Traffic Assistant w.e.f. 3-3-1998 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. On receipt of the reference notice was issued to workman Mr. Patel and also the management, Air India. However, workman though received notice (vide Exhibit-4) remained absent, nor put Statement of Claim though sufficient time given on 9-10-2001, 9-11-2001, 21-12-2001 and till today, which indicates that he is not interested in prosecuting the reference. Therefore the following order is passed :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2002

का. आ. 982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2,

धनबाद के पंचाट (संदर्भ संख्या 142/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-02-2002 को प्राप्त हुआ था ।

[सं० एल.-20012/86/91-आई. आर. (सी.-I)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 22nd February, 2002

S.O. 982.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 142/1991) of the Central Government Industrial Tribunal-II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 21-02-2002.

[No. L-20012/86/91-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 142 of 1991

PARTIES :

Employers in relation to the management of TISCO and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri D. K. Verma, Advocate.

STATE : Jharkhand

INDUSTRY : Coal

Dated, Dhanbad, the 12th February, 2002

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/86/91-IR.(Coal-I), dated, the 24th October, 1991.

SCHEDULE

“Whether the demand of the Union for giving employment of Smt. Tabiya Khatoon W/o late Md. Rafique, an ex-employee of Jamadoba Power House under M/s. TISCO Ltd., Dhanbad as dependent of deceased employee is justified? If so, to what relief she is entitled?”

2. The case of the concerned workman according to the W.S. in brief is as follows :—

The concerned workman in her W.S. submitted that Md. Rafique was Cat. I Mazdoor till the date of his death. It has been further submitted that though Md. Rafique was a Cat. I Mazdoor he was exploited by the management to act as Driver. On 25-6-84 Md. Rafique was called on by the management to perform his duty as driver but unfortunately he did not return back to his home and subsequently his dead body was recovered on 26-6-84 near the office of the Colliery and within the precinct and premises of the mines. It has been submitted that as the death of Md. Rafique was on duty according to the settlement entered into between the management and the union a member of the deceased family was entitled to get employment on compassionate

ground. It has been submitted that the management not only refused to give any employment to the widow of the deceased but also refused to pay any compensation to her according to the Workmen's Compensation Act. Accordingly an industrial dispute was raised before the ALC(C), Dhanbad which ultimately resulted reference to this Tribunal. The concerned workman accordingly submitted his prayer for passing an Award directing the management to provide employment to her on compassionate ground in place of Md. Rafique.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in the W.S. It has been submitted by the management that Md. Rafique No. 2 was employed as Cat. I Mazdoor in the power house No. 1 from 27-10-80. He died on 25-6-84. It was reported to the police by the relative of late Md. Rafique No. 2 that he was murdered by the unknown criminals. Accordingly the police registered a case being Jorapokhar Case No. 217(6)/84 under Section 302 IPC and started investigation. The management submitted that as Md. Rafique No. 2 was murdered there was no scope within the ambit of the settlement to provide any employment to any member of the bereaved family. They submitted categorically that the provision of giving employment to any member of the deceased family only can be considered if the persons dies in harness. Accordingly payment of compensation to the widow of the deceased also did not arise according to the Workmen's Compensation Act. The management submitted that they have their own scheme for employment of dependents in the collieries of the company. A workman is entitled to get the name of his dependents enrolled in the register of employment of dependents after completion of 15 years of continuous service. The dependent is provided with job according to the seniority as soon as vacancy arises in the colliery. The dependent of a workman is also given employment in case of death of the workman on account of an accident arising out of and in course of his employment. The management accordingly submitted that as Md. Rafique No. 2 was murdered they could not consider the claim of the widow for her employment under the management. The management accordingly submitted that the claim of the concerned workman is not tenable in the eye of law and for which they submitted their prayer to pass an Award rejecting the claim of the concerned workman.

4. The points for decision in this reference are :—

"Whether the demand of the Union for giving employment to Smt. Tabiya Khatoon W/o late Md. Rafique, an ex-employee of Jamadoba Power House under M/s. TISCO Ltd., Dhanbad as dependent of deceased employee is justified? If so, to what relief she is entitled?"

DECISION WITH REASONS

5. It is admitted fact that Md. Rafique No. 2 was Mazdoor Cat. I under the management. It is also admitted fact that the concerned workman got his employment in the year 1980. He died on 25-6-84. It is the specific claim of the concerned workman that on 25-6-84 the management called on the deceased i.e. Md. Rafique No. 2 to discharge his function as driver and accordingly he went to out of his house but he did not return back and for which they became suspicious. Thereafter on the next date i.e. on 26-6-84 his dead body was recovered within the colliery premises. It is the contention of the concerned workman that in discharge of his official duty Md. Rafique No. 2 died and for which the management cannot avoid responsibility to provide employment to the petitioner on compassionate ground. On the contrary the management admitting the death of Md. Rafique No. 2 submitted that he was murdered by some unknown criminal and to that effect a Police case is registered being Jorapokhar Case No. 217(6)/84 under Section 302 I.P.C. and accordingly took up investigation to that regard. The management submitted that as Md. Rafique was murdered while he was not on duty there is no scope to consider the employment of his widow on compassionate ground according to the settlement. It has been categorically submitted by the management that they follow their own procedure in the matter of giving relief including employment to the deceased family members on the basis of the settlement entered into between the management and the union and for which they did not follow the procedure as laid down in NCWA. Before considering the claim of the widow it has to be looked into whether the concerned workman died in harness or not. I have considered both NCWAs and

the settlement entered into between the management and the union and I have failed to find out any such provision for giving employment to any of the member of the deceased family if the deceased was murdered while he was not in duty. Accordingly onus absolutely rests on the concerned workman to establish that Md. Rafique No. 2 died on duty and he was not at all murdered. It is seen from the record that inspite of giving ample opportunity the concerned workman has failed to avail of the same. As such there is no scope to ascertain if actually Md. Rafique No. 2 died in harness while he was on duty. As there is no provision to give employment to any member of the family of the person who was murdered while he was not on duty, I consider that refusal of the claim of the widow of Md. Rafique No. 2 to give any employment by the management stands on stable footing. After careful consideration of all the facts and circumstances I hold that the widow of the deceased is not entitled to get any relief which she has prayed for. In the result, the following Award is rendered :—

"The demand of the Union for giving employment to Smt. Tabiya Khatoon W/o late Md. Rafique an ex-employee of Jamadoba Power House under M/s. TISCO Ltd., Dhanbad as dependent of deceased employee is not justified. Consequently Smt. Tabiya Khatoon is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 22 फरवरी, 2002

का. आ. 983.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 1, धनबाद के पंचाट (संदर्भ संख्या 47/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-02-2002 को प्राप्त हुआ था।

[सं. एल.—20012/418/95 आई. आर. (सी.-I)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 22nd February, 2002

S.O. 983.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 47/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 21-02-2002.

[No. L-20012/418/95-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 47 of 1997

PARTIES :

Employers in relation to the management of Bhowra Area of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. H. Kazmi, Presiding Officer.

APPEARANCES :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : None.

STATE : Jharkhand

INDUSTRY : Coal

Dated, the 11th February, 2002

AWARD

By Order No. L-20012/418/95-IR(C-I) dated 7-2-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand by the Union for regularisation of S/Shri Akhtar Ansari and 137 others (as per list enclosed) by the management of Amlabad Colliery of M/s. BCCCL is legal and justified? If so, to what relief are these persons entitled?"

2. It appears from the record that despite notices being sent to the sponsoring union repeatedly none is appearing on behalf of the workmen to take any steps which were required to be taken from the side of the workmen. On the last date after noticing earlier development in this case time by way of last chance was granted to the workmen to take step but without any effect. It is thus obvious that the workmen have lost their interest and do not want to pursue the case.

3. In such circumstances I render a 'No Dispute' Award in the present reference case.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 21 फरवरी, 2002

का.आ. 965.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/65/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एल-12011/17/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st February, 2002

S.O. 984.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/65/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 20-02-2002.

[No. L-12011/17/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI (CAMP : PUNE)

PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/65 of 2000

Employers in relation to the Management of Bank of Maharashtra.

Bank of Maharashtra,
The Asstt. General Manager,
BOM, Regional Office,
Maha Bank Bhavan C-3,
N-1, Town Centre,
CIDCO,
Aurangabad-431003.

AND

Their workmen.

(Mr. K. T. Kherde)
BOM Karmachari Sangh,
The General Secretary,
BOM Karmachari Sangh,
185, Shaniwar Peth,
Near Police Gate,
Pune (Maharashtra) 411030.

APPEARANCES :

For the Employer : S/Shri A. P. Nayak & Badarayani, Representatives.

For the Workmen : No Appearance.

Camp Pune, dated 1st February, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12011/17/2000-IR(B-II), dtd, 16-6-2000, in exercise of the powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this tribunal for adjudication.

"Whether the action of the management of Bank of Maharashtra in awarding the punishment on Mr. K.T. Kherde, Computer Operator, Aurangabad Branch, vide its order under Ref. No. AX/16/PAR/1955/98 dated 9-7-98 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. The General Secretary of the union Mr. Kulkarni filed Statement of Claim (Exhibit-6), which was resisted by management of Bank of Maharashtra vide Written Statement (Exhibit-11) and after framing the issues (Exhibit-14) on 28-8-2001, the matter was fixed for filing documents/list of witnesses by both the parties and the affidavit of the union by way of Examination in-Chief. However record shows, union representative remained absent nor put affidavit, in Mumbai and also here at Pune Camp, though notice was served vide (Exhibit-17), which indicates, the union is not interested in prosecuting the reference and therefore the following order is passed :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 21 फरवरी, 2002

का.आ. 984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 671/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एल-12011/64/98-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st February, 2002

AWARD

S.O. 985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 671/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 20-02-2002.

[No. L-12011/64/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 31st January, 2002

PRESENT :

Shri K. KARTHIKEYAN, Presiding Officer
INDUSTRIAL DISPUTE No. 671/2001

(Tamil Nadu Principal Labour Court CGIT
No. 308/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workmen and the Management of Bank of Baroda.]

BETWEEN

The General Secretary,
Bank of Baroda Employees Association.
I Party/Claimant.

AND

The Assistant General Manager,
(T.N.II) Bank of Baroda, Coimbatore.
II Party/Management

APPEARANCE :

For the Claimant.—Unrepresented

For the Management.—M/s. K. S. V.
Prasad & P. Bhaskaran, Advocates

710 GI/2002—22.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-12011/64/98-IR(B-II) dated 29-04-1999 :

“Whether the demand of the union for not entrusting the work related to DD sold payable, interest warrant dividend warrant, share applications etc. in terms of clause 2.9 of the Settlement is justified? If not, what relief is the Union entitled to?”

2. This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as CGID. No. 308/99. When the matter was pending enquiry in that Labour Court, as per the orders of the Govt. of India, Ministry of Labour this case also has been transferred from the file of the Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 671/2001 and notices were sent to the I Party/Claimant Union and the counsel on record for the II Party/Management, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 15-10-2001.

3. Though the notices were duly served on them, neither the parties to proceedings nor their counsel on record were present on 15-10-2001. There is no representation at all on either side. Subsequently, the counsel on record for the II Party/Management alone was present on a later hearing. Though time was granted on his request for filing statement of objection for the II Party/Management for the claim of the I Party/Union raised as an industrial dispute as mentioned in the reference by the Govt., no such statement of objection has been filed by the II Party/Management.

4. On a perusal of the entire materials available in this case, it is seen that the I Party/Claimant Union has not chosen to file Claim Statement either before the Tamil Nadu Principal Labour Court or subsequent to the transfer of this case before this Tribunal and they have chosen to not to appear before this

Tribunal and put forward their claim they have made in the referred industrial dispute. Having found no Claim Statement has been filed by the I Party Claimant for the past two years in respect of this industrial dispute, the counsel for the II Party Management was informed to file Statement of Objection of the II Party Management to the claim made by the I Party Claimant in this industrial dispute.

5. When the matter was taken up finally on 31-01-2002, the counsel for the II Party alone was present. Both the parties to the dispute remained absent. There was no representation on the side of the I Party Claimant Union. The inaction of the I Party Claimant and their non-appearance for all the adjourned hearings earlier before the Tamil Nadu Principal Labour Court, then subsequent to the transfer of this case before this Tribunal and also non-filing of any statement of objection to the claim of the I Party Union raised as an industrial dispute in the reference, enable this Tribunal to conclude that the I Party Claimant has no inclination or interest to prosecute this case further. Under such circumstances, the Tribunal has left with no other option, but to come to a conclusion on the basis of available materials and the facts and circumstances of this case that no industrial dispute now exists between the parties for adjudication by this Tribunal, as referred to in the Schedule of Reference by the Ministry of Labour.

6. In the result, 'no dispute' award is passed holding that no dispute now exists between the parties as an industrial dispute as referred to in the Schedule of Reference by the Ministry of Labour for adjudication by this Tribunal.

(Dictated to the Stenographer transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st January, 2002).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side.—None

Documents Marked :—

On either side.—Nil

नई दिल्ली, 21 फरवरी, 2002

का.आ. 986.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके

कर्मचारों के बीच, अनुबुध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 2/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एल-12012/238/97-आई आर (बी-II)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 21st February, 2002

S.O. 986.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 20-02-2002.

[No. L-12012/238/97-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 2 of 1998

PARTIES :

Employers in relation to the management of UCO Bank and their workman.

APPEARANCES :

On behalf of the workman : Shri B. Prasad, State Secy., UCO Bank Employees Association.

On behalf of the employers : Shri P. K. Chatterjee, Authorised representative.

STATE : Jharkhand

INDUSTRY : Banking

Dated, Dhanbad, the 12th February, 2002

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/238/97-IR((B-II) dated, the 31st December, 1997.

SCHEDULE

"Whether the action of the management of UCO Bank in terminating the service of Sh. Rama Kant Prasad, Casual Labour without observing the provision of the Industrial Disputes Act, 1947 is legal and justified? If not, to what relief the said workman is entitled?"

2. The case of the concerned workman according to W.S. in brief is as follows :—

The concerned workman in his W.S. submitted that he was appointed as Peon by the management of UCO Bank with effect from 18-9-89 to discharge the duties of Peon and in discharge of his duties he had to take up different works namely taking out ledgers/registers from the Almirah and placing the same on the table, carrying token book, scroll book from Accounts Department to Cash Department and vice-versa, posting of mails to the post office, distribution of dak through peon book, stitching of vouchers, currency notes, serving water/tea to the members of staff and customers of

bank etc. He submitted that in discharge of his duties he used to attend his office at 10.00 A.M. and he used to remain there upto 6.00 P.M. regularly. He further submitted that after getting his appointment on 18-9-89 he worked upto 22-4-1997 continuously and on 23-4-97 he was stopped from working and was verbally informed that his services were no longer required. He submitted that during his work the management used to pay him @ Rs. 16, then Rs. 25, then Rs. 30 and subsequently Rs. 50 per day. He disclosed that after his termination from service he submitted representations before the management on different occasions but the management did not pay any importance to his representations and as a result he raised in industrial dispute before the ALC(C) which ultimately resulted reference to this Tribunal. The concerned workman accordingly has prayed for passing an Award for reinstatement with back wages with effect from 23-4-97.

5. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claim and allegations with the concerned workman asserted in his W.S. The management in their W.S. submitted that the authority should not have taken cognizance of a pretence of a claim of Sri Ramakant Prasad, the concerned workman who was utilised by the staff of the Ranchi branch of the Bank without any authority. Since nationalisation the Bank management has become a State within the meaning of Article 12 of the Constitution of India and is obliged to function within the parameter of Article 14 and 16(1) of the Constitution of India in the matter of appointment. The constitution mandate to provide equal protection of law and equality before law includes the obligation of the Bank to follow general norms of engagement/appointment of Person in every category of service. The management submitted that it is a mandatory direction that no Branch Manager of the Bank is authorised to make any appointment to the post sanctioned or un-sanctioned and inspite of that mandatory direction the concerned workman was purported to be engaged unconstitutionally by the Branch Manager and for which he is not legally entitled to have any right for his absorption in the guise of the provision of the I.D. Act, 1947. Actually the concerned workman had been offered some solatium for some service on isolated dates in utter violation of constitutional mandate. The management further alleged that the authority functioned mechanically and without application of objective mind in entertaining request to initiate conciliation proceeding and later referring the matter. The management further alleged that inspite of engagement of the concerned workman the Branch Manager did not consider necessary to take any approval of the same. He also did not take any approval in the matter of payment of wages from the competent authority. No appointment letter as well as no pay slip was issued to the concerned workman against work done by him under direction of the Branch Manager. The management further submitted that on 29-3-97 the Zonal Manager of the Bank specifically directed to all Branch Managers that no engagement of casual workers except those who stand empanelled as casual workers would be utilised by any Branch Manager/Head of the office, authority and if inspite of violation of the same any such engagement is made in that case the Branch Manager will be held personally responsible for any such engagement. Accordingly the management submitted that as the engagement of the concerned workman was not legal and valid he is not entitled to get any relief which he has prayed for. The management accordingly has prayed for passing an Award rejecting the claim of the concerned workman.

4. The points for decision in this reference are :—

"Whether the action of the management of UCO Bank in terminating the service of Sh. Rama Kant Prasad, Casual Labour without observing the provision of the Industrial Disputes Act, 1947 is legal and justified? If not, to what relief the said workman is entitled?"

DECISION WITH REASONS

5. The management in order to substantiate their claim examined one witness while the concerned workman examined himself as witness in support of his claim. The concerned workman in course of his evidence submitted that he worked at UCO Bank Main Road, Ranchi as Peon from 18-9-89 to 22-4-97 continuously and he completed 240 days of work in each calendar year during this period. He further stated

that in discharge of his duties he performed all the jobs of a Peon and for discharge of his duties the management used to pay him different wages at different time. He submitted that the management without giving any notice or paying any compensation according to the provision of law terminated him from his service with effect from 23-4-97. Even he was not served with notice prior to his termination from service. MW-1 during his cross-examination admitted that the concerned workman served at Ranchi Main Road, Branch when he rejoined there. He admitted that he was finally removed from his service on and from 22-4-97 under order of the Chief Manager. He also admitted that wages used to be paid to the concerned workman from the head of misc. expenses. Now considering the evidence of MW-1 and WW-1 I find no dispute to hold that the concerned workman was engaged to perform certain duties at Main Road branch, Ranchi of UCO Bank with effect from 18-9-89. It is also admitted position that the concerned workman was terminated from his engagement with effect from 22-4-97. Therefore it is clear that from September, 1989 to 22-4-97 the concerned workman continuously worked under the management. The concerned workman submitted that in discharge of his duties as Peon he used to take out ledgers/registers from the Almirah and placing the same on the table and vice-versa, carrying token book, scroll book from Accounts department to Cash deptt. and vice-versa, posting of mails to the post office, distribution of dak through peon book, stitching of vouchers, currency notes whenever required, serving water/tea to the members of staff and customers of Bank. From the evidence of MW-1 I have failed to find out any material to contradict the nature of work done by the concerned workman. The management also did not raise any dispute to the effect that the concerned workman did not work more than 240 days in a year so long he was allowed to work there. The management also did not deny the fact that the concerned workman was not engaged by the Branch Manager who used to be considered as Incharge of the branch and representative of the management. It is the contention of the management that after nationalisation the Bank has become a State within the meaning of Article 12 of Constitution of India and is obliged to function within the parameter of Article 14 and 16(1) of the Constitution of India in the matter of appointment. The management further submitted that from sometimes they issued circulars to different branches specifically directing them not to engage any casual worker excepting the workers who have already been empanelled. In support of this circular the management relied on the circulars marked as Ext. M-1, M-2 and M-3. The circular marked as Ext. M-1 was issued on 28-4-1997. The circular marked as Ext. M-2 was issued on 29-3-97 and the circular marked as Ext. M-3 was issued on 31-3-1990. Considering the circular it is seen that the first circular was issued in the month of March, 1990. The last circular was issued in the month of April, 1997. By all these circulars the management directed the Branch Managers of different branches of the Bank under them not to engage any daily rated casual worker other than empanelled casual worker. By circular marked Ext. M-1 dt. 20-4-97 it has been clearly mentioned that the Branch Manager, Manager, Divisional Manager, Zonal Head Office will render personally accountable and liable for disciplinary action if they violate the specific direction as per circular in the matter of engagement of daily rated casual worker. It is seen that the concerned workman was first engaged to his work on daily rated basis on 18-9-89. The circular marked as Ext. M-3 was issued atleast 6 months after engagement of the concerned workman. It is seen that inspite of receipt of the said circular the concerned workman was allowed to work there. It is further seen that the concerned workman was dismissed from his work with effect from 22-4-97 i.e. after passing the last circular marked as Ext. M-1. It is seen that inspite of existence of the circulars in question the Branch Manager who should be considered as representative of the management allowed the concerned workman to work as casual basis for atleast 7 years continuously. No evidence is forthcoming on the part of the management which disciplinary action has so far had been taken against the Branch Managers who allowed the concerned workman to work for such a long period. It should be considered as a serious laches or fault on the part of the management because the management also did not consider necessary to take any action against the Branch Managers inspite of violating the strict direction in the matter of engagement of daily rated casual workers. The management submitted that as after nationalisation the concerned Bank has become a state and they are to abide by certain obligations under Article 14, 16(1) of the Constitution of India in the matter of appointment. It is seen that knowing fully well about the constitutional

provision the management did not consider necessary to keep a close watch on their officers about engagement of daily rated casual workers. It should be borne into mind that the responsibility of the officer should be considered as the responsibility of the management and the management in no circumstances can exonerate itself by blaming the officer for the fault committed by the Branch Manager. It is a fact that the Branch Manager has no authority to issue any appointment in the matter of engagement of daily rated casual workers as per circular. But silence on the part of the management should be considered as tacit approval and for which the management also cannot exonerate responsibility if any violation of the Article 14, 16(1) of the Constitution of India in the matter of appointment was made by their own officer. The instant reference case was referred to this Tribunal by the Ministry of Labour treating Shri Ramakant Prasad, as the concerned workman according to the Section 2(s) of the I.D. Act, 1947. The concerned workman submitted that before termination of his service the management did not consider necessary to issue any notice for payment of compensation under Section 25F of the I.D. Act. The management in course of hearing admitted this fact. Therefore it is seen that the management has violated the mandatory provision of Section 25F of the I.D. Act, 1947. Now point for consideration is it that order of termination passed by the management against the concerned workman was legal valid and also was in accordance with the principles of natural justice. It is seen that the concerned workman was legal valid and also was in more than 7 years continuously. It is further seen that the concerned workman worked for more than 240 days in a year for more than 7 years before he was terminated from his service. In support of this claim the concerned workman relied on page 2 of his claim marked as Ext. W-2 and Ext. W-3 series. I have considered the documents in question and find support of the claim of the concerned workman relating to his continuous work during the period in question. In this connection a decision reported in 2001 Lab I.C. page 2220 may be taken into consideration. In the said decision Their Lordships of the Hon'ble Calcutta High Court categorically observed that termination of casual workers should be considered as illegal, improper if the said casual worker is terminated without serving any notice particularly when he worked for more than 240 days in a year. In the decision reported in 2001 Lab I.C. page 2243 and the decision reported in 2001 II L.L.J. page 1610 also Their Lordships upheld the same view. Therefore it is clear that compliance of provision of Section 25F was mandatory. It is seen that the management did not issue any notice as per provision laid down in Section 25F of the I.D. Act and for which the said termination should be declared illegal, improper and not in accordance with the principles of natural justice. It was not expected that the behaviour of the management should be like that of use and throw policy which the management showed in case of this workman. It is seen that the management utilised the services of the concerned workman for years together just like a regular staff against the services rendered by him. The management did not consider necessary to pay usual wage for equal work which a regular staff was entitled to get at that relevant time. Therefore, there is reason to believe that the concerned workman though worked equally with the regular staff was not paid properly at par with the regular staff. As such there is also reason to believe that the concerned workman was exploited by the management and thereafter he was thrown out. It should not be the policy of any management to treat a person in that fashion, in spite of knowing the fact that he discharged his duties continuously for more than 7 years. If there is any fault in the matter of engagement of the concerned workman it was the fault of the officer of the management and for which the management cannot exonerate their liability and accordingly, there is no reason to consider that the workman himself should suffer in spite of his discharge of his duties diligently for years together. As such after careful consideration of all the facts and circumstances I hold that the concerned workman is entitled to get relief as prayed for. In the result, the following Award is rendered :—

"The action of the management of UCO Bank in terminating the services of Shri Rama Kant Prasad, Casual Labour without observing the provision of Industrial Disputes Act, 1947 is not legal and justified. Consequently, the concerned workman is entitled to get reinstatement, however, without any back wages."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 फरवरी, 2002

क्र.आ. 987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध निम्नलिखितों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संवर्ध संख्या 5/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एल-12012/239/97-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st February, 2002

S.O. 987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 20-2-2002.

[No. L-12012/239/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 5 OF 1998

PARTIES :

Employers in relation to the management of UCO Bank and their workman.

APPEARANCES :

On behalf of the workman : Shri B. Prasad, State Secretary, UCO Bank Employees' Association.

On behalf of the employers : Shri P.K. Chatterjee, Authorised Representative.

STATE : Jharkhand

INDUSTRY : Banking

Dated, Dhanbad, the 12th February, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/239/97/IR(B-II), dated, the 31st December, 1997.

SCHEDULE

"Whether the action of the management of UCO Bank, Bero Ranchi in terminating the services of Shri Pramod Kumar Singh is legal and justified? If not, to what relief the said workman is entitled?"

2. The case of the concerned workman according to the W.S. in brief is as follows:—

The concerned workman is the W.S. submitted that he was appointed by the management of UCO Bank, Bero Branch for discharging his duties as Peon with effect from 8-3-1990. He submitted that as a part of his duty he had to carry on work of taking out ledgers/registers from the almirah, placing the same on the table/counters and vice-versa, carrying token book/roll register from Accounts Department to the Cash Department, collection of vouchers/currency notes whenever required, distribution of dak through peon book, posting of mails to the post office, serving water to the member of staff and customers, bringing tea, betel, cigarette from the nearby shop etc. He submitted that the management used to pay him wages initially @ Rs. 10 per day and thereafter it raised to Rs. 45 per day and used to discharge his duties as Peon from 10.00 A.M. to 6.00 P.M. He submitted that in this way he discharged his duties as Peon from 8-3-1990 to 22-4-1997 under the management at Bero Branch of UCO Bank excepting Holidays and Sunday. On 23-4-1997 the concerned workman alleged that he was discharged from his service without giving any notice illegally and arbitrarily and also against the principles of natural justice. Accordingly he after his termination of service represented before the management with a prayer for consideration of reinstatement and regularisation but the management did not pay any heed to his appeal. Accordingly the concerned workman raised an industrial dispute before the ALC(C), Ranchi for conciliation which ultimately resulted reference to this Tribunal. The concerned workman accordingly has prayed for his reinstatement in service with all back wages, from the date of termination.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. The management in their W.S. submitted that the authority should not have taken cognizance of a preface of a claim of Shri Pramod Kumar Singh, the concerned workman who was utilised by the staff of the Bero branch of the Bank without any authority. Since nationalisation the Bank management has become a State within the meaning of Article 12 of the Constitution of India and is obliged to function within the parameter of Article 14 and 16(1) of the Constitution of India in the matter of appointment. The constitution mandate to provide equal protection of law and equality before law includes the obligation of the Bank to follow general norms of engagement/appointment of person in every category of service. The management submitted that it is a mandatory direction that no Branch Manager of the Bank is authorised to make any appointment to the post sanctioned or un-sanctioned and in spite of that mandatory direction the concerned workman was purported to be engaged unconstitutionally by the Branch Manager and for which he is not legally entitled to have any right for his absorption in the guise of the provision of the I.D. Act, 1947. Actually the concerned workman had been offered some solatium for some service on isolated dates in utter violation of constitutional mandate. The management further alleged that the authority functioned mechanically and without application of objective mind in entertaining request to initiate conciliation proceeding. The management further alleged that in spite of engagement of the concerned workman the Branch Manager did not consider necessary to take any approval of the same. He also did not take any approval in the matter of payment of wages from the competent authority. No appointment letter was well as no pay slip was issued to the concerned workman against work done by him under direction of the Branch Manager. The management further submitted that on 29-1-1997 the Zonal Manager of the Bank specifically directed to all Branch Managers that no engagement of casual workers except those who stand empanelled as casual worker would be utilised by any Branch Manager/Head of the office, authority and if in spite of violation of the same any such engagement is made in that case the Branch Manager will be held personally responsible for any such engagement. Accordingly the management submitted that as the engagement of the concerned workman was not legal and valid he is not entitled to get any relief which he has proved for. The management accordingly has prayed for passing an Award rejecting the claim of the concerned workman.

4. The points for decision in this reference are:—

"Whether the action of the management of UCO Bank, Bero Ranchi in terminating the services of Shri Pramod Kumar Singh, is legal and justified? If not, to what relief the said workman is entitled?"

DECISION WITH REASONS

5. In course of hearing the management examined one witness while the concerned workman examined himself as witness in order to substantiate their respective claim. In course of evidence the concerned workman corroborated all the facts which he asserted in his W.S. MW-1 on the contrary in course of his cross-examination admitted that the concerned workman was a casual worker and worked at Bero Branch of the UCO Bank from March, 1990 to April, 1997. He further submitted that in the year 1990 regular Peon Bimal Mahato was transferred to Dhurwa Ranchi Branch and as a result of which the post of the said post of Peon remained vacant, and for which during that period the concerned workman was engaged at the said branch on daily wages basis. This witness further disclosed that in the month of June, 1994 a regular Peon was posted at the said Branch but in spite of such posting the concerned workman also was allowed to work till April, 1997. He disclosed that the concerned workman was stopped from his work under order of the Regional Manager. He further submitted that in spite of stopping work this witness wrote letters to his superior authority under his signature. He also admitted that before stopping the work of the concerned workman he was not either given any notice nor was paid any compensation. During evidence letters written by this witness were marked as Ext. W-1 and W-11 and W-11 and vouchers were marked as Ext. W-3 series. Now considering the evidence of the concerned workman as well as MW-1 I find no dispute to hold that the concerned workman was engaged by the Branch Manager, Bero branch in month of March, 1990 to carry on the work of Peon and the concerned workman in discharge of his duties performed different jobs such as taking out ledgers/registers from the almirah, placing the same on the table/counters and vice-versa, carrying token book/roll register from accounts department to the Cash Department, collection of vouchers/currency notes whenever required, distribution of dak through peon book, posting of mails to the post office, serving water to the member of staff and customers, bringing tea, betel etc. from the nearby shop. It is also admitted fact that in the month of April, 1997 the concerned workman was discharged from his service. It is also admitted fact that in the year 1990 regular Peon Bimal Mahato was transferred from the said branch and as the said post remained vacant upto June, 1994 the concerned workman was allowed to act as Peon on temporary basis. Even after joining another Peon in the said branch in the month of June, 1994 the concerned workman was allowed to carry on the job of Peon till 1997. Therefore, it is clear that from the March, 1990 to April, 1997 the concerned workman discharged his duties under the management as Peon. Even MW-1 while he was Branch Manager at Bero branch of the management sent particulars of the concerned workman to the authorities for regularisation of the service of the concerned workman as Peon in the said branch. The statement of work submitted by the concerned workman marked as Ext. W-3 series shows clearly that the concerned workman continuously worked under the management for the entire period in question. From the evidence of MW-1 I have taken into account any material to contradict the nature of work done by the concerned workman. The management also did not raise any dispute to the effect that the concerned workman did a work more than 240 days in a year so long he was allowed to work there. The management also did not deny the fact that the concerned workman was not engaged by the Branch Manager who used to be considered as Incharge of the branch representative of the management. It is the contention of the management that after nationalisation the Bank has become a State within the meaning of Article 12 of Constitution of India is obliged to function within the parameter of Article 14 and 16(1) of the Constitution of India in the matter of appointment. The management further submitted that from, sometimes they issued circulars to different branches specifically directing them not to engage any casual worker excepting the workers who have already been empanelled. In support of their contention the management relied on the circulars marked as Ext. M-1, M-2

and M-3. The circular marked as Ext. M-1 was issued on 28-4-1997. The circular marked as Ext. M-2 was issued on 29-3-97 and the circular marked as Ext. M-3 was issued on 31-3-1990. Considering the circular it is seen that the first circular was issued in the month of March, 1990. The last circular was issued in the month of April, 1997. By all these circulars the management directed the Branch Managers of different branches of the Bank under them not to engage any casual worker for any daily rated casual worker other than empanelled casual worker. By circular marked as Ext. M-1 dt. 20-4-97 it has been clearly mentioned that the Branch Manager, Divisional Manager, Zonal Head Office will render himself personally accountable and liable for disciplinary action if they violate the specific direction as per circular in the matter of engagement of daily rated casual worker. It is seen that the concerned workman was first engaged to his work on daily rated basis on 8-3-90. The circular marked as Ext. M-3 was issued on 31-3-1990. It is seen that inspite of receipt of the said circular the concerned workman was allowed to work there. It is further seen that the concerned workman was stopped from work with effect from 23-4-1997 i.e. after passing the last circular marked as Ext. M-1. It is seen that inspite of existence of the circulars in question the Branch Manager who should be considered as a representative of the management allowed the concerned workman to work on casual basis for atleast 7 years continuously. No evidence is forthcoming on the part of the management which disciplinary action has so far been taken against the Branch Managers who allowed the concerned workman to work for such a long period. It should be considered as a serious lapse or fault on the part of the management because the management also did not consider necessary to take any action against the Branch Managers inspite of violating the strict direction in the matter of engagement of daily rated casual workers. The management submitted that after nationalisation the concerned Bank has become a state and they are to abide by certain obligations under Article 14, 16(1) of the Constitution of India in the matter of appointment. It is seen that knowing fully well about the constitutional provision the management did not consider necessary to keep a close watch on their officers about engagement of daily rated casual workers. It should be borne into mind that the responsibility of the officer should be considered as the responsibility of the management and the management in no circumstances can exonerate their liability in respect of the fault committed by the Branch Manager. It is a fact that the Branch Manager has no authority to issue any appointment in the matter of engagements of any daily rated casual workers as per circular. But silence on the part of the management should be considered as tacit approval and for which the management also cannot exonerate responsibility for violation of Article 14, 16(1) of the Constitution of India in the matter of appointment of any worker by their own officer. The instant reference case was referred to this Tribunal by the Ministry of Labour Considering Shri Pramod Kumar Singh, as the concerned workman according to the Section 2(s) of the I.D. Act, 1947. The concerned workman submitted that before termination of his service the management did not consider necessary to issue any notice under Section 25F of the I.D. Act. The management in course of hearing admitted this fact. Therefore, it is seen that the management has violated the mandatory provision of Section 25F of the I.D. Act, 1947. Now point for consideration is if that order of termination passed by the management against the concerned workman was legal, valid and also was in accordance with the principles of natural justice. It is seen that the concerned workman worked under the management for more than 7 years continuously. It is further seen that the concerned workman worked under the management for more than 7 years continuously. It is further seen that the concerned workman worked for more than 240 days in a year continuously for 7 years before he was terminated from his service. In support of this claim the concerned workman relied on wagesheets marked as Ext. W-3/7 series and vouchers marked as Ext. W-3 series. I have considered the documents in question and find support of the claim of the concerned workman relating to his continuous work during the period in question. In this connection a decision reported in 2001 Lab I.C. page 2220 may be taken into consideration. In the said decision Their Lordships of the Hon'ble Calcutta High Court categorically observed that termination of casual workers should be considered as illegal, improper if the said casual worker is terminated without serving any notice particularly when he worked for more than 240 days in a year. In the decision reported in 2001 Lab I.C. page 2243 and

the decision reported in 2001-II L.L.J. page 1610 also Their Lordships upheld the same view. Therefore, it is clear that compliance of the provision of Section 25F of the I.D. Act was mandatory. It is seen that the management did not issue any notice as per provision laid down in Section 25F of the I.D. Act and for which the said termination should be declared illegal, improper and not in accordance with the principles of natural justice. It was not expected that the behaviour of the management should be like that of use and throw policy which the management showed in case of this workman. It is seen that the management though utilised the services of the concerned workman for years together just like a regular staff against the services rendered by him. The management did not consider necessary to pay usual wages which a regular staff was entitled to get at that relevant time. Therefore, there is reason to believe that the concerned workman though worked equally with the regular staff was not paid properly at par with the regular staff. As such there is also reason to believe that the concerned workman was exploited by the management and thereafter he was thrown out. It should not be the policy of any management to treat a person in that fashion, inspite of knowing the fact that he discharged his duties continuously for more than seven years. If there was any fault in the matter of engagement of the concerned workman it was the fault of the officer of the management and for which the management cannot exonerate their liability and for that reason there is no reason to consider that the workman himself should suffer inspite of his discharge of his duties diligently for years together. As such after careful consideration of all the facts and circumstances I hold that the concerned workman is entitled to get relief as prayed for. In the result, the following Award is rendered :—

“The action of the management of UCO Bank Bero Ranchi in terminating the services of Shri Pramod Kumar Singh is not legal and justified. Consequently, the concerned workman is entitled to get reinstatement, however, without any back wages.”

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 फरवरी, 2002

का.अं. 988.— औद्योगिक विवाद अधिनियम, 1947^१ (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 39/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-2002 को प्राप्त हुआ था।

[सं. एन-12012/711/88-डो. II (ए)]

सो. गंगाधरन, अवर सचिव

New Delhi, the 21st February, 2002

S.O. 988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/89) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 20-2-2002.

[No. L-12012/711/88-DII(A)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT "SHRAM SADAN",
III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 6th February, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB., Presiding
Officer.

CGIT-CUM-LABOUR COURT, BANGALORE
C. R. No. 39/89

I PARTY

Shri H.S. Padaki,
Rep. by the General Secretary,
Dharwar District
Bank Employees Association,
9, Corporation Building,
Hubli-580020.
General Secretary-M. Ram Rao

II PARTY

The Dy. Manager,
Canara Bank,
Mangalore Circle Office,
Canara Bank Building,
Light House,
Hill Road,
Mangalore 575001
Advocate-Pradeep S. Saukar.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/71/88-D II(A) dated 18th May 1989 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Canara Bank in terminating the services of Shri H. S. Padaki is justified? If not, to what relief is the workman entitled?"

2. The first party was working with the Second Party Bank as Temporary Workman. His services were terminated and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The cases of the first party in brief is as follows:

5. The first party workman has filed a very lengthy Claim Statement.

6. The case of the first party in brief is as follows:

7. The Second Party is in the Banking Industry and is a Nationalised Bank and the relationship between the first party and the Second party are governed by the provisions of Shastri Award, Desai Award and Bipartite Settlement etc.

8. It is the further case of the first party that he joined the services of the second party at its Malamaddi, Dharwad Branch as Temporary Sub Staff on 26th October 1982 and has been working at the said branch till 16th November 1983 on a number of days. He also worked at Bankapur Branch from 18th October 1983 to 16th November 1983. He has worked at Malamaddi, Dharwad Branch as temporary sub staff from 23rd November 1983 on a number of days.

9. The second party having considered the services of the first party as most satisfactory provided to the first party, the work of Temporary Sub staff at its Narayanpur,

Dharwad Branch from 9th December 1983 in a clear sub staff vacancy. Details are given in para 5 of the Claim Statement.

10. The first party served the Second party bank sincerely and honestly to the best of his capacity and to the satisfaction of his superiors.

11. It is the further case that no appointment order was given to him and the first party was denied Weekly Holidays, Medical aid etc. as stated in para 7 of the Claim Statement. The above action of the management is in violation of the provisions of Shastri/Desai Award/Bipartite Settlements.

12. It is the further case that he has worked more than 240 days continuously in 12 calendar months on 19-5-1985. The management has not complied with the provisions of Industrial Dispute act as regard retrenchment hence the first party is deemed to be in permanent service from the said date.

13. It is the further case that on 6th April 1988 when the first party in a usual course approached the Second Party at its Narayanpur, Dharwad branch for work but he was suddenly informed not to come for work and the action of the management is illegal. The management has illegally terminated the services of the first party from 19th May 1985 without any notice, Charge sheet, enquiry etc. No order of termination was given to him. The action of the management is not correct. The first party workman for these reasons has prayed to pass award in his favour.

14. Against this the case of the management in brief is as follows :

15. The management is fully justified in not engaging the first party workman with effect from 6-4-1988. The Second Party is a Nationalised Bank with many branches. The employees of the bank in the clerical and sub staff cadre (popularly known as Award Staff) are governed by the provisions of Awards and Bipartite Settlement entered into at the industry level between the All India Unions and the Indian Banks Association of which the Second Party is a member.

16. It is the further case of the management that whenever the employees in the Subordinate cadre go on leave, in such vacancies the Daily Wagers are engaged on day to day basis and daily wagers are engaged when there is temporary workload. To meet such contingencies the bank maintains a panel of Daily Wagers for allotment of work to the Daily Wagers in leave vacancies and these daily wagers are paid for the day on which they worked on daily basis and they are entitled to wages for the Sunday if they worked without any break. A panel of Daily Wagers is maintained district wise and as and when vacancies arise in the sub staff cadre, the daily wagers are absorbed as sub staff as per their seniority in the Daily Wagers Panel and if they are fit for absorption. A group of Daily Wagers, had filed a Writ Petition against the Bank in the Supreme Court of India seeking immediate absorption of their services on the ground that they have been working as Daily Wagers for varying number of years. The Hon'ble Supreme Court of India has passed an order permitting the bank to absorb these Daily Wagers only as and when vacancies arise and therefore, it is clear that the daily wagers will not automatically be eligible for permanent absorption as Sub Staff. First party was engaged on 27-9-1982.

17. It is the further case of the management that when the first party was working as Daily Wager at Narainpur, Dharwad branch on 22-3-1988, a cheque bearing No. 28115 dated 22-3-1988 for Rs. 5000 drawn on Hubli-Dharwad Urban Co-operative Bank Ltd., was presented by one Shri R.S. Salimath, Customer of the said branch and the said cheque was sent for collection through the first party Workman. Though the said cheque was realized on 22-3-1988 itself, but the first party workman had misappropriated the said sum of Rs. 5000 instead of duly remitting to the Bank. The relatives of the first party workman have made good of the amount subsequently. Investigation was conducted and it was established that the first party workman has misappropriated the amount of Rs. 5000. The first party workman committed misappropriation which

constitutes a serious offence and therefore, he was not engaged as Daily Wager w.e.f. 6-4-1988. It is only on 6-4-1988 after investigation the second party management came to know of the misappropriation and immediately taking up the matter with the first party, he had chosen to leave the branch assuring to do the needful and had absconded. The details of investigation are also narrated in the Counter.

18. It is denied that the relationship between the first party and the second party are governed by Shastry Award, Desai Award and Bipartite Settlements. The Awards and Bipartite Settlements govern only the Award Staff of the Bank and the first Party workman being only a Daily Wager, is not entitled to take shelter under any of the Bipartite Settlements. All the allegations made by the workman are not correct.

19. It is the further case of the management that the contention of the first party that he had put in 240 days of work in a period of 12 months preceding the date of non-engagement as Daily Wager is of no avail to him as he was not engaged consequent to the act of misappropriation.

20. It is the further case of the bank that merely because the first party Daily Wager has worked for more than 240 days, it shall not by itself entitle him to claim permanent absorption. The action of the management is correct. The workman is not a regular employee of the bank and therefore, question of holding regular enquiry does not arise at all. The management for these reasons and for some other reasons has prayed to reject the Claim.

21. It is seen from the records that the first party has also filed rejoinder denying the contentions made by the management in the Counter. The management has not charge sheeted the first party for misappropriation and now the second party is raising such non-existent issues only when the workman has claimed rights before the appropriate authorities. It is his further case that he has not misappropriated any amount from the Bank. It is his further case that he was not engaged as Daily Wager w.e.f. 6-4-1988. It is very surprising that only on 6-4-1988 the second party had come to know of the misappropriation and all the contentions are contradictory.

22. It is further seen from the records that to this rejoinder, the management has filed reply.

23. It is contended by the management that the technical objection raised by the first party is not tenable in view of the fact that the second party is represented by the officer of the bank authorized by the Competent Authority in this regard. All the allegations made by the first party are not correct. The question of issuing charge sheet for the misconduct arises only in the case of employees of the bank. First party was only a Daily Wager and his engagement as such was contractual on day to day basis and he is not an employ of the bank. He is not coming within the meaning of "workman" as defined in the Industrial Dispute Act. All this was brought to the notice of the ALC(C), Mangalore. There is no contradiction of facts.

24. It is seen from the records that on behalf of the management MW1, MW2, and MW3 are examined. Number of documents are marked on behalf of the management.

25. Against this the workman got examined himself as WW1.

26. MW1 has given evidence that he was working as Manager at Narayanapur Branch in the year 1988 and first party was working as Daily Wager in that Bank. There was no attendance maintained for daily wagers. Ex. M-1 is the note book showing payment of daily wages to daily wagers. It is for the period from 1986 to 1992. On 22nd March 1988 first party was engaged as a Daily Wager and he was paid wages for 5 days and this is entered in the entry dated 27-3-1988. There is no rule that the daily wagers should be given work every day.

27. It is further deposed by him that as per seniority, performance during engagement as Daily Wager, requisite qualification, age and subject to permanent vacancy available, permanent absorption should be made.

28. He further said that merely because the persons name is found in the daily wagers panel he has no right for permanent absorption and the short comings are noted in the work of a daily wagers, his name can be removed from the panel of daily wagers. There was an SB Account of One Shri Salimutt as per Ex. M2 ledger and on 22-3-1988 Salimutt gave a cheque for collection and to be deposited in his SB Account and the cheque for collection was on Hubli Dharwad Urban Cooperative Credit Bank Ltd., Dharwad branch. They made an entry of that cheque in the OSC register. Ex. M4 contains 4 sheets and they are the original sheets of the OSC register. The party did not come back and pay the amount. That is why the columns showing the realizations particulars is blank.

29. It is further deposed that the account holder Salimutt issued a cheque for Rs. 5000 and it came for clearing on 6-4-1988. When they verified his account there was no balance. Enquiries were made with the first party for collection of cheque and first party informed that he has forgotten and he would go to bank and bring the cash. But he has not returned. He has given detailed evidence regarding the confirmation letter received from the Cooperative Bank.

30. He further said that original cheque was handed over to the first party for collection. Details of Ex. M-7 are marked in his evidence. He also states that the bank has recovered Rs. 5000 from the first party. He speaks about investigation done in this case. He further said that because of the above incident the name of the first party was removed from Daily Wagers panel. Ex. M15 is the failure report sent by Conciliation Officer.

31. With this evidence it is clear that the first party was working as Daily Wager and he was entrusted with the collection of cheque for Rs. 5000 and he failed to remit the said amount. In other words first party was a daily wagers and he misappropriated the amount.

32. MW1 is cross examined at length but nothing is made out from his cross examination so as to disbelieve the evidence of MW1. Much was argued by the representative of the first party saying that there is no entrustment of cheque to the first party workman and there are no entries to hold that the first party was responsible for misappropriation of the said amount. The representative of the workman took me in detail the cross examination MW1 at para No. 16 and argued that MW1 has stated. In his cross examination that first party has not made any entries in Ex. M4 or Ex. M5 and the officers and the clerks have made the entries and there is no entry in any book in the bank for having handed over the cheque Ex. M7 for collection to first party. He further submitted that they did not attest the signature of the first party for having handed over the cheque for collection. He further says that as per the procedure they have to attest the signature before handing over the cheque for collection.

33. It is in the cross examination of MW1 that on the reverse of Ex. M7 there is only one signature of first party.

34. I have considered the said cross examination carefully. I have also read the written arguments given by the representative of the workman carefully.

35. Against this it was argued by the learned counsel appearing for the second party bank that there is no merit in the submissions made by the representative of the workman. The learned counsel appearing for the second party bank has carefully read the cross examination of the workman. The workman has said in his cross examination that he worked as a Daily Wager on 22-3-1988. He further said in his cross examination that he was entrusted a cheque for Rs. 5000 to collect the cash from Hubli Dharwad Urban Co-operative Credit Bank Ltd. Ex. M-16 is the said cheque.

36. He further stated in his cross examination that Ex. M.22 is his signature. With this cross examination the learned counsel for the management vehemently argued that the workman himself has accepted that the cheque of this case was entrusted to him for collection. The argument of the first party representative that there is no evidence of entrustment has no merit.

37. I have considered the evidence of MW1 and the cross examination of workman as pointed out by the representative

of the workman and the learned counsel appearing for the bank and I am of the opinion that in the instant case the workman himself has admitted the entrustment of cheque for collection and therefore, there is no merit in the arguments advanced by the representative of the workman in this regard.

38. First party further says in his cross examination that he does not remember whether he received 2 bundles of Rs. 20 denomination and one bundle of Rs. 10 denomination for Rs. 2,000 + Rs. 2,000 + Rs. 1,000. He further says that he does not remember whether the bank paid him Rs. 5000. He further says that it is not correct to suggest though he had received Rs. 5000 from the bank he did not remit the same to the Second Party Bank. The question was put to him whether he has any proof having remitted that amount on that day. The answer is that he has paid this amount to MW1. All this on careful examination clearly establishes that the cheque in question was entrusted to the workman and he collected the amount and the said amount was not deposited in the Bank. In other words the investigation conducted by the management as deposed by the witnesses is correct and from the evidence of MW1 to MW3 and the documents relied by the management, misappropriation is proved.

39. In the instant case much was argued by the representative of the first party contending that there is sufficient evidence before this tribunal to establish that the first party workman has worked for a long period and therefore the action of the management is illegal.

40. Admittedly the first party workman is a temporary peon and that is clear from the order of appointment which is at page 137 of the Enquiry File. In view of this the service conditions of Bipartite Settlement and other relevant provisions pointed out by the representative of the first party are not helpful for the first party workman. Temporary employee is a Daily Wager. This is clear from the appointment order of the first party workman.

41. It was argued by the learned counsel for the management that the first party workman being a daily wager and a temporary workman, there is no merit in the arguments advanced by the representative of the workman that service conditions are binding. There is merit in the arguments advanced by the learned counsel for the management. The first party workman has not said that the cheque was not given to him and he has not collected the amount of the cheque.

42. On the other hand as discussed earlier the entrustment is admitted by the workman himself. We have the evidence of MW2 and according to his evidence Ex. M-16 is the original cheque and Ex. M-17 is the Xerox copy of the same. Ex. M-18 are the rules of the bank which are produced. MW1 is cross examined by the workman but nothing is made out from his cross examination to help the first party workman.

43. MW2 has also given evidence regarding signatures. Ex. M-20 is the signature of the Officer, Canara Bank Narayana-nur Branch. Ex. M-21 is the signature of Shri R.S. Salimath. Ex. M-22 is the signature of Shri H.S. Phadaki. MW2 has identified the signature of the first party.

44. The standard of evidence required in such proceedings is not that of evidence in criminal cases. In a proceeding like this we will have to see whether the misconduct is proved and there is evidence to prove the misappropriation against the workman.

45. In my opinion the evidence of MW1 to MW3 and the documents are sufficient to prove misappropriation against the first party workman. MW3 has given evidence that he is working in Hubli Dharwad Urban Co-operative Bank Ltd. He also said that the payment under Ex. M-10 was made to the person who has brought it. He has given detailed evidence about the procedure of presenting cheque and encashment of the same.

46. In the instant case I have already said that the entrustment of the cheque and the collection of the amount is admitted by the workman himself and therefore, there is no merit in 710 GI/2002—23.

the arguments of the first party workman that entrustment is not proved and there is no evidence to say that the first party has collected the amount of cheque in question and misappropriated the same.

47. In view of the admission of the first party workman about the entrustment of the cheque I am of the opinion that the evidence of MW1 to MW3 is sufficient to prove the misappropriation against the workman. The representative of the workman took me in detail the cross examination of MW3 reading word by word. I have considered the entire cross examination of MW3 carefully. Of course MW3 says in his cross examination that actually he has not seen on his own eyes to whom the amount under Ex. M-16 was paid or not. He also said that he does not know anything about the first party. The above referred cross examination of MW3 will not help the workman in view of the specific cross examination of MW1 which I have earlier referred in detail to the effect that cheque was entrusted to the workman to collect from Hubli Dharwad Urban Co-operative Bank Ltd.

48. I have also considered cross examination of MW1 about the amount and his evidence that he paid this amount to MW1 is quite unnatural.

49. It is seen from the records that the matter is remanded by the High Court of Karnataka with a direction to consider the evidence of MW1 to MW3 and the workman and the documents properly.

50. After remand I have heard detailed arguments of both sides. I have read the written arguments of the first party representative carefully. I have considered in detail all the relevant documents marked in this case and I have discussed the entire evidence of MW1 to MW3 and I am of the opinion that the management is justified in refusing work to the first party workman when it was proved to the satisfaction of the management that a cheque of Rs. 5000 was entrusted to the first party workman for collection and he did not remit the amount in the bank.

51. The evidence before us is sufficient to prove the allegations against the workman.

52. Taking all this into consideration I am of the opinion that there is no merit in the contention put forth by the workman that the management has not proved misappropriation.

53. I have given my best consideration to the evidence of MW1 to MW3 and documents and I am of the opinion that the management is justified in not giving work to the first party workman. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her corrected and signed by me on 6th February 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 फरवरी, 2002

का.आ. 989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-2002 को प्राप्त हुआ था।

एन-22012/88/95—आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 25th February, 2002

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Keta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 22-2-2002.

[No. L-22012/88/95-IR(C-II)]

N. P. KESAVAN, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राजस्थान/
पीठासीन अधिकारी—श्री मणि शंकर व्यास, आर. एच. जे. एस.
निर्देश प्रकरण क्रमांक : औ. न्या./केन्द्रीय/30/95
दिनांक स्थापित : 5-10-95

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश
संख्या एन-22012/88/95-आईआर (सी-II)
दिनांक 22-9-95

निर्देश अन्तर्गत धारा 10(1) (घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

श्रीमती गीताबाई पत्नी श्री मांगीलाल

द्वारा संयुक्त महामंत्री, हिन्द मजदूर सभा, बंगाली कोलोनी,
छावनी, कोटा ।

—प्रार्थिनी श्रमिक

एवं

प्रबंधक, भारतीय खाद्य निगम, कोटा

—अप्रार्थी नियोजक

उपस्थित

प्रार्थिनी श्रमिक की ओर से प्रतिनिधि : श्री एन. के. तिवारी
अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री सी. वी. सोरल
अधिनिर्णय दिनांक : 24-11-2001

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपनी
उक्त अधिसूचना दि. 22-9-95 के जरिये निम्न निर्देश/
विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त
“अधिनियम” से सम्बंधित किया जावेगा, की धारा
10(1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ
सम्प्रेषित किया गया है :—

“क्या जिला प्रबंधक, भारतीय खाद्य निगम, कोटा
द्वारा कर्मकार श्रीमती गीताबाई, पानी वाली, केशवराय-
पाटन की सेवाएं दिनांक 2-6-94 से समाप्त करने की
कार्यवाही उचित एवं न्यायसंगत है ? यदि नहीं तो
श्रीमती गीताबाई किस अनुतोष की हकदार हैं” ?

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजी-
वद्ध उपरान्त पक्षकारों को सूचना नियमानुसार जारी की
गयी जिस पर दोनों पक्षों की ओर से अपने-अपने अध्या-
वेदन प्रस्तुत किये गये ।

3. प्रार्थिनी श्रीमती गीताबाई द्वारा प्रस्तुत क्लेम स्टेटमेंट
के अनुसार उसे प्रबंधक, भारतीय खाद्य निगम, स्टेशन
रोड़ कोटा (जिसे तदुपरान्त संक्षेप में “अप्रार्थी नियोजक/
निगम” से संबोधित किया जावेगा) द्वारा दिनांक 6-4-91
से सेवा में नियोजित किया गया था । तत्पश्चात् उसे अप्रार्थी
नियोजक ने बिना किसी पूर्व सूचना के दिनांक 2-6-94 से
नौकरी से हटा दिया । प्रार्थिनी श्रमिक ने अप्रार्थी नियोजक
को दिनांक 28-6-94 को एक प्रार्थना पत्र, प्राप्ति के 3
दिन में ड्यूटी पर लेने की मांग करते हुए, रजि. ए. डी.
डाक द्वारा प्रेषित किया, अन्यथा कानूनी कार्यवाही
करने वास्तव सूचित किया । अप्रार्थी नियोजक ने पत्र प्राप्ति
के बाद ना तो कोई प्रत्युत्तर दिया एवं ना ही प्रार्थिनी
श्रमिक को ड्यूटी पर लिया । प्रार्थिनी श्रमिक ने अप्रार्थी
नियोजक के अधीन केशवरायपाटन जिला बूंदी के निगम
के कार्यालय व गोदाम पर दिनांक 6-4-91 से 1-6-94
तक निरन्तर कार्य किया तथा इस अवधि में 240 दिन
से अधिक समय तक कार्य कर लिया था । अप्रार्थी नियोजक
ने प्रार्थिनी को नौकरी से निकाले जाने से पूर्व अधिनियम
की धारा 25-एफ के प्रावधानानुसार ना तो एक माह का
नोटिस अथवा नोटिस वेतन दिया एवं ना ही छंटनी का
मुआवजा दिया अथवा प्रस्तावित किया । इस प्रकार अप्रार्थी
नियोजक ने प्रार्थिनी को दिनांक 2-6-94 से अवैध प्रकार से
नौकरी से निकाल दिया । इसके अतिरिक्त अप्रार्थी नियोजक
ने प्रार्थिनी को नौकरी से हटाये जाने से पूर्व अ. वि.
नियमों के नियम 77 के अनुसार वरिष्ठता सूची का प्रकाशन
भी नहीं किया तथा नौकरी से निकाले जाने के समय
प्रार्थिनी से कनिष्ठ अन्य कई कर्मचारी/श्रमिक नियोजक के निरो-
जन में मौजूद थे । इस प्रकार अप्रार्थी ने “पहले आये बाद
जाये” सिद्धांत की अवहेलना करते हुए प्रार्थिनी को नौकरी
से निकाला है जोकि अधिनियम की धारा 25-जी के विपरीत
है । अतः प्रार्थिनी को पिछले सम्पूर्ण वेतन व समस्त पिछले
लाभों सहित सेवा पर बहाल किये जाने का अनुतोष प्रदान
किया जावे ।

4. अप्रार्थी नियोजक ने प्रार्थिनी द्वारा स्टेटमेंट आफ
क्लेम में वर्णित तथ्यों का खण्डन करते हुए जवाब में यह कथन
किया है कि श्रीमती गीताबाई एवं अप्रार्थी निगम के मध्य
“कर्मकार एवं नियोजक” के संबंध कभी भी स्थापित नहीं
हुए । निगम द्वारा श्रीमती गीताबाई को किसी पद पर
नियुक्त नहीं किया गया । प्रार्थिनी द्वारा अप्रार्थी निगम में
नियमित, अस्थायी या दैनिक वेतन भोगी श्रमिक के रूप
में कोई कार्य नहीं किया गया । प्रार्थिनी ने माह अक्टूबर,
92 से जून, 94 तक कार्य दिवसों पर प्रतिदिन दो मटके
पानी निगम के केशवरायपाटन डिपो में उपलब्ध करवाया था
जिसके फलस्वरूप उसको मौखिक अनुबंध व्यवस्था अनुसार

50 रु. प्रतिमाह भुगतान किया गया था। प्रार्थिनी को अप्रार्थी नियोजक के नियोजन में नहीं होने से किसी प्रकार की कोई मांग करने का अधिकार प्राप्त नहीं हुआ। इस लिए अप्रार्थी से पत्र व्यवहार करने या अप्रार्थी द्वारा उसका किसी प्रकार से प्रत्युत्तर देने का प्रश्न ही उत्पन्न नहीं होता। प्रार्थिनी कभी भी अप्रार्थी के नियोजन में नहीं रही इसलिए उसे नियोजित करने व हटाये जाने का कोई प्रश्न ही उत्पन्न नहीं होता। प्रार्थिनी व अप्रार्थी के मध्य कोई औद्योगिक विवाद उत्पन्न नहीं हुआ और ना उनके मध्य श्रमिक/कर्मकार व नियोजक का संबंध ही स्थापित रहा है इसलिए अधिनियम की धारा 25-एफ, जी एवं औ. वि. नियमों के नियम 77 की पालना किये जाने का कोई प्रश्न ही उत्पन्न नहीं होता। अतः प्रार्थना की गयी है कि प्रार्थिनी का स्टेटमेंट आफ क्लेम मध्यम खारिज किया जावे।

5. प्रार्थिनी श्रमिक श्रीमती गीताबाई ने साक्ष्य संस्वरण का शपथ-पत्र प्रस्तुत किया है तथा अप्रार्थी नियोजक की ओर से सर्वश्री जगदीश प्रसाद मीणा, पृथ्वीसिंह एवं हेमराज टेलर के शपथ-पत्र प्रस्तुत किये गये हैं। इन शपथ-पत्रों पर एक-दूसरे के प्रतिनिधिगण द्वारा प्रतिपरीक्षा की गयी है। पक्षकारों की ओर से प्रवेद्योपसाध्य में कुछ प्रलेख भी प्रस्तुत किये गये हैं जिनका यथा समय उल्लेख किया जावेगा।

6. उभय पक्ष की वहस श्रवण की गयी तथा पत्रावली पर उपलब्ध मौखिक एवं प्रलेखीय साक्ष्य का ध्यानपूर्वक परिशीलन किया गया।

7. प्रार्थिनी श्रमिक के विद्वान प्रतिनिधि श्री एन. क. तिवारी एवं अप्रार्थी नियोजक के विद्वान प्रतिनिधि श्री सी. बी. सोरल ने मेरे समक्ष वहस के दौरान उन्हीं बिन्दुओं को उजागर किया है जिनका कि उल्लेख उनके द्वारा प्रस्तुत अपने-अपने अभ्यावेदनों एवं साक्षीगण के शपथ-पत्रों में किया गया है।

8. प्रार्थिनी श्रमिक श्रीमती गीताबाई ने स्टेटमेंट आफ क्लेम में वर्णित तथ्यों की अपने शपथ-पत्र पर दिये गये बयानों से सम्पुष्टि की है और कथन किया है कि उसने अप्रार्थी के नियोजन में दि. 6-4-91 से 1-6-94 तक निरन्तर कार्य किया है। प्रार्थिनी के इन कथनों की पुष्टि उसके द्वारा दिये गये नोटिस प्रदर्श डब्ल्यू. 1, समझौता अधिकारी के यहां प्रस्तुत शिकायत-पत्र प्रदर्श डब्ल्यू. 2, अप्रार्थी नियोजक के जवाब की फोटो प्रति प्रदर्श डब्ल्यू. 3 एवं असफल वार्ता प्रतिवेदन की फोटो प्रति प्रदर्श डब्ल्यू. 4 से भी होती है। अप्रार्थी नियोजक ने भी अपने जवाब में माह अक्टूबर, 92 से जून, 94 तक प्रार्थिनी को पानी भरने के काम के लिए नियोजित करना स्वीकार किया है जिसके लिए उसे 50 रु. प्रतिमाह का भुगतान किया जाता था। इस प्रकार प्रार्थिनी श्रमिक द्वारा दि. 6-4-91 से सेवा में नियोजित करना बतलाया गया है, जब कि अप्रार्थी नियोजक द्वारा उसे अक्टूबर, 92 से नौकरी

में मौखिक अनुबंध के अनुसार रखना बताया गया है। इस प्रकार यदि अप्रार्थी नियोजक का कथन स्वीकार कर लिया जाता है तो भी प्रार्थिनी के अक्टूबर, 92 से जून, 94 तक की अवधि में एक कलेंडर वर्ष में 240 कार्य दिवस निरन्तर रूप से पूर्ण हो जाते हैं। अप्रार्थी नियोजक के गवाह जगदीश प्रसाद मीणा ने भी अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि प्रार्थिनी ने अक्टूबर, 92 से जून, 94 तक उनके यहां निरन्तर कार्य किया है। अतः 240 दिवस तक निरन्तर रूप से कार्य प्रार्थिनी द्वारा किया जाना विवादित नहीं है। प्रार्थिनी ने अपने बयानों में सुबह 10 बजे से शाम 5 बजे तक कार्यालय में पूरा काम करना बताया है व कथित किया है कि उसे 50 रु. माह में दो मटके पानी भरने के लिए नहीं रखा गया था बल्कि कार्यालय का सारा काम करने के लिए रखा गया था। लेकिन प्रार्थिनी के स्वयं के द्वारा अप्रार्थी नियोजक को दिये गये नोटिस प्रदर्श डब्ल्यू. 1 में यह अंकित है कि प्रार्थिनी को अंशकालीन सेवा में रखा हुआ था और दिनांक 2-6-94 से बिना किसी पूर्व सूचना के सेवा से हटा दिया गया था। इस प्रकार प्रार्थिनी के नोटिस जिसका कि स्टेटमेंट आफ क्लेम में उल्लेख है, के अनुसार प्रार्थिनी अंशकालीन रूप में अप्रार्थी नियोजक के नियोजन में पानी भरने के काम के लिए नियुक्त थी। अप्रार्थी नियोजक की ओर से जो कार्य के एवज में भुगतान की रसीदें प्रदर्श एम. 103 लगा. एम. 118 प्रस्तुत की गयी है उनमें से प्रदर्श एम. 108, 109 एवं प्रदर्श एम. 111 लगा. एम. 118 प्रार्थिनी श्रीमती गीताबाई से संबोधित रही है। इन रसीदों में एक जैसी भाषा का ही उल्लेख रहा है जिनमें से एक रसीद माह नव. 92 प्रदर्श एम. 108 का उल्लेख किया जाना उचित है जोकि निम्न प्रकार है :—

“भारतीय खाद्य निगम, केशवरायपाटन कार्यालय में माह नवम्बर, 1992 में पीने का पानी भरा जिसकी मजदूरी 50 रु. अक्षरे पचास रुपये तकद आज ता. 2-12-92 को प्राप्त किये।

हस्ता.

नि. अ. गीताबाई के “पाटन”

9. इस उक्त रसीद प्रदर्श एम. 108 को अप्रार्थी नियोजक के डिप्टी इन्चार्ज फूड कोरपोरेशन आफ इंडिया केशवरायपाटन द्वारा प्रमाणित किया गया है। इस रसीद की भाषा से प्रकट होता है कि प्रार्थिनी श्रीमती गीताबाई, अप्रार्थी नियोजक के कार्यालय में पानी भरने का कार्य करती थी, इसमें तथा इस जैसी अन्य रसीदों से केवल दो मटके पानी भर जाने का कोई उल्लेख नहीं है। अप्रार्थी ने अपने जवाब में यह कहीं भी प्रकट नहीं किया है कि प्रार्थिनी केवल दो मटके पानी कार्यालय में भरने के लिए ही रखी गयी थी और वह कार्यालय के अन्दर कभी नहीं जाती थी। इस संबंध में अप्रार्थी नियोजक की ओर से प्रस्तुत साक्षी जगदीश प्रसाद मीणा का शपथ-पत्र स्वयं अप्रार्थी नियोजक द्वारा दिये गये जवाब से भिन्न है। स्वयं इस गवाह ने प्रति-

परीक्षा में यह स्वीकार किया है कि “जवाब वलेम में दो मटके पानी गेट पर रखकर चली जाती थी, यह लिखा हुआ नहीं है, दो मटके की बात है। कार्यालय तो गेट के अन्दर है। जवाब में कार्यालय में पानी भरना लिखा हुआ है।” इस प्रकार यह तथ्य विश्वसनीय नहीं है कि प्राथिनी मात्र दो मटके पानी भरती थी और वह कार्यालय के बाहर ही रखकर चली जाती थी। अप्रार्थी नियोजक की ओर से इस संबंध में जो गेट-एन्ट्री रजिस्टर की फोटो-प्रतियां प्रदर्श एम. 1 तथा एम. 102 प्रस्तुत की गयीं हैं, से उसका कोई महायत्ना नहीं मिलता। अतः प्राथिनी के शपथ-पत्र बयानों व प्रलेखीय साक्ष्य के आधार पर उसका अप्रार्थी नियोजक के यहां अंशकालीन रूप में पानी भरे जाने का काम किया जाना प्रमाणित है।

10. अब हम अप्रार्थी नियोजक के विद्वान प्रतिनिधि की ओर से उठाए गए इस तर्क पर विचार करेंगे कि क्या प्राथिनी व अप्रार्थी के मध्य “कर्मकार व नियोजक” के सम्बन्ध स्थापित रहे हैं? प्राथिनी, अप्रार्थी के यहां पानी भरने का कार्य अंशकालीन रूप में करती थी, यह एक स्वीकृत तथ्य है। प्राथिनी इस कार्य के लिए सीधे नियोजक अप्रार्थी द्वारा नियुक्ति की गई थी। प्राथिनी का कार्य अप्रार्थी के संस्थान में पानी भरने का था। यह पानी उसके द्वारा कार्यालय व गोदाम में कार्य करने वाले व्यक्तियों के लिए के पीने के लिए भरा जाता था और प्राथिनी द्वारा पानी भरने का किया गया कार्य नियोजक उद्योग में कार्यरत व्यक्तियों के सहायताार्थ व हित में था। प्राथिनी को यह कार्य सीधे नियोजक द्वारा ही सौंपा गया था और वही प्राथिनी को सीधे रूप में कार्य का भुगतान प्रतिमाह करता था। नियोजक को ही प्राथिनी को सेवा में हटाने का एक मात्र अधिकार प्राप्त था, कोई तीसरा पक्ष इनके बीच नहीं था। इस प्रकार प्राथिनी का कार्य नियोजक उद्योग से सम्बन्धित था और प्राथिनी के कार्य पर अप्रार्थी नियोजक का ही पूर्ण नियंत्रण था। इस सम्बन्ध में न्यायदृष्टान्त “1996 (2) एल. एन. एन. 1261 (राज.) मैनेजमेंट डायरेक्टर, राज. स्माल स्केल इण्डस्ट्रीज बनाम फैली-गम” का अवलम्ब लिया जा सकता है जिसमें माननीय राज. उच्च न्यायालय द्वारा यह सम्प्रेक्षण किया गया है कि किसी व्यक्ति को नियोजक कॉर्पोरेशन के बगीचे की देखभाल करने के लिए अंशकालीन रूप में 2-3 घंटे के लिए रखा जाता है और उसे एकमुश्त माहवारी भुगतान किया जाता है तो ऐसा व्यक्ति “कर्मकार” की श्रेणी में आता है। अतः उक्त विवेचन व न्यायदृष्टान्त में प्रतिपादित सिद्धान्त को ध्यान में रखते हुए वर्तमान मामले की प्राथिनी भी “कर्मकार” की श्रेणी में आती है और यह प्रमाणित पाया जाता है कि प्राथिनी व अप्रार्थी के मध्य “कर्मकार व नियोजक” के सम्बन्ध स्थापित रहे हैं।

11. विद्वान प्रतिनिधि अप्रार्थी नियोजक का दूसरा तर्क यह रहा है कि चूंकि प्राथिनी सिर्फ पानी भरने का कार्य करती थी जो कि एक अंशकालीन कार्य है, अतः वह अधिनियम की धारा 2(एस) के अन्तर्गत परिभाषित एक

“कर्मकार” नहीं रही है। जबकि इसके खण्डन में प्राथिनी के विद्वान प्रतिनिधि श्री तिवारी का कथन है कि अंशकालीन श्रमिक भी अधिनियम की धारा 2(एस) में परिभाषित कर्मकार है। इसकी पुष्टि में माननीय में राज. उच्च न्यायालय की खण्डपीठ द्वारा पारित निर्णय “1989 (59) एफ.-एल.आर. 607-यशवन्त सिंह यादव बनाम राज. राज्य एवं अन्य” प्रसागिक किया गया है जिसमें कि माननीय उच्च न्यायालय द्वारा निम्न न्याय सिद्धान्त प्रतिपादित किया गया है:-

“In our opinion, the definition of workman as given in Section 2(s) of the Act is comprehensive and wide enough to include even a part time employee. We are of the considered opinion that even a part time employee is covered by the definition of ‘Workman’ as given in Section of the Act.....

.....In the instant case, no doubt the petitioner was appointed as a part time employee. He is a workman as defined in the Act. The termination of his service amounts to retrenchment and the retrenchment was made in violation of the provisions of Section 25-F of the Act. He is, therefore, entitled to reinstatement.”

12. उपर्युक्त विवेचन व विधिक स्थिति के परिप्रेक्ष्य में, मैं अप्रार्थी नियोजक के विद्वान प्रतिनिधि श्री सी.बी. सोरल के इस तर्क से सहमत नहीं हूं कि प्राथिनी अंशकालीन श्रमिक होने के कारण “कर्मकार” की श्रेणी में नहीं आती है। प्राथिनी श्रमिक के द्वारा प्रस्तुत की गयी साक्ष्य में यह भली-भांति प्रमाणित पाया गया है कि प्राथिनी श्रमिक ने अप्रार्थी नियोजक के नियोजन में एक क्लेण्डर वर्ष में निरन्तर रूप से 240 दिन से अधिक समय तक कार्य किया है। अप्रार्थी नियोजक ने स्वयं जवाब में यह स्वीकार किया है कि उसने प्राथिनी श्रमिक को सेवा में पृथक् करने के समय कोई नोटिस अथवा नोटिस वेतन व छंत्नी का मुआवजा आदि ना तो दिया एवं ना ही प्रस्तावित किया और ना ही पहले आए बाद जाए निद्रांत की परिपालना की गयी, क्योंकि यह सिद्धान्त प्राथिनी के मामले में लागू ही नहीं होता। अतः अप्रार्थी के जवाब से यह साबित है कि अप्रार्थी ने अधिनियम के आज्ञापक प्रावधानों की अनुपालना नहीं की। प्राथिनी को अधिनियम की धारा 25-एफ का संरक्षण पूर्णरूपेण प्राप्त है। इस प्रकार अप्रार्थी नियोजक द्वारा प्राथिनी श्रमिक को सेवा में पृथक् किया जाना पूर्णरूपेण अवैध व अनुचित है और वह पुनः सेवा में स्थापित होने की अधिकारिणी घोषित होने योग्य रही है।

13. अब जहां तक प्राथिनी श्रमिक के सेवा से पृथक् किए जाने के पश्चात् लाभकारी नियोजन में रहने का प्रश्न है; ना तो अप्रार्थी नियोजक के विद्वान प्रतिनिधि ने प्राथिनी से इस सम्बन्ध में कोई प्रश्न पूछे हैं। ना ही अप्रार्थी ने प्राथिनी के अन्तर्गत लाभकारी नियोजन में रहने के सम्बन्ध में कोई साक्ष्य प्रस्तुत की है। प्राथिनी को अप्रार्थी नियोजक द्वारा अंशकालीन श्रमिक के रूप में मात्र 50 रुपए माहवार ही वेतन दिया जाता था। अतः मामले के तथ्यों एवं समस्त परिस्थितियों को ध्यान में रखते हुए प्राथिनी श्रमिक, अप्रार्थी नियोजक से पिछले वक़ाया वेतन के रूप में

सम्पूर्ण अंशकालीन वेतन प्राप्त करने की अधिभारणी समझी जाती है।

परिणामतः केन्द्रिय सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश/विवाद का डा प्रकार अधिनिर्णयन किया जाता है कि अप्रार्थी नियोजक प्रबंधक, भारतीय न्याय निगम, कोटा द्वारा श्रीमती गीताबाई प्रस्थिनी श्रमिक को दिनांक 2-6-94 में सेवा में पृथक करवा उचित एवं न्यायसंगत नहीं है और प्रास्थिनी श्रमिक, अप्रार्थी नियोजक के यहाँ स्थित न सम्पूर्ण अंशकालीन वेतन सहित पुनः सेवा में पदस्थापित होने की अधिभारणी धारित की जाती है।

अधिनिर्णय आज दिनांक 24-11-2001 को खुदे न्यायाधिकरण में सुनाया गया जिन नियमावलीगत समुचित सरकार को प्रकाशनार्थ विनवाया जावे।

मणि शंकर प्रधान, न्यायाधीश,

नई दिल्ली, 25 फरवरी, 2002

का.अ. 990.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रिय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-2002 को प्राप्त हुआ था।

[नं. एल-22012/241/97-आई.आर. (सी एम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th February, 2002

S.O. 990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure. in the industrial dispute between the employers in relation to the Distt. Manager FCI and their workmen, received by the Central Government on 22-02-2002.

[No. L-22012/241/97-IR(CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR
PRESENT :

Shri B. G. Saxena, Presiding Officer

REFERENCE No. CGIT : 142/2000

Food Corporation of India AND

Shri R. B. S. Prasad

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/241/97-IR(CM-II) dated 22-07-98 on the following schedule.

SCHEDULE

"Whether the action of the management of Food Corporation of India, through District Manager, Nagpur and Senior Regional Manager, Bhopal (M.P.) awarding penalty of Rs. 43,532.77 ps. to Sh. R. B. S. Prasad, Asstt. Grade-III (Depot), FCI, Wardha Depot is just, legal proper? If not, to what relief is the workman entitled?"

This reference was sent to C.G.I.T. Court No-II, Mumbai in Sept., 98. This file was received from Mumbai in C.G.I.T. Nagpur in June, 2000.

Shri R. B. S. Prasad, Asstt. Grade-III (Depot), F.C.I. Wardha has submitted his Statement of Claim on 07-09-98. He has mentioned that he was appointed as Watchman in Food Corporation of India, Jabalpur on 01-05-69. He was promoted to Asstt. Grade-III (Depot) from 28-04-73 and was posted in Jabalpur Division. In 1987 he was transferred from Jabalpur Division to the office of District Manager, F.C.I. Nagpur and joined at FSD, Wardha from 05-05-87.

Shri R. B. S. Prasad AG-III(D) was functioning as Depot Incharge of Lamta, Jabalpur Division from 1983 to 1985. During his tenure of posting heavy storage losses were found in the stocks stored in 13 stacks of raw rice common/PBC. In these 13 stacks shortage of 295 Qtls 90 Kgs and 900 gms rice was found, for which F.C.I. suffered loss amounting to Rs. 66,579.52 ps. The report was called from workman R. B. S. Prasad and he had submitted reply on 16-10-91. The chargesheet was issued on 31-08-91 after receiving the reply of the workman dated 16-10-91. The enquiry started against him

and Shri G.P. Namdeo was appointed Enquiry Officer vide order dated 07-12-91.

The workman has claimed that enquiry was not conducted properly and he could not defend himself. The Enquiry Officer did not found him responsible for the losses but the disciplinary authority held him responsible for causing loss to the Food Corporation of India and imposed penalty of Rs. 43,532.77 ps. The disciplinary authority vide order No. V&S/4(5)/JBP/91 dated 09-02-94 ordered for withholding his two increments and recovery of Rs. 43,532.77 ps. This order was further modified by Senior Regional Manager (F.C.I. Bhopal) on 23-03-96 and the penalty of withholding of his two increments was withdrawn.

The appeal filed by the workman to Zonal Manager, Mumbai was rejected on 09-11-95. The workman has claimed that the imposing of penalty Rs. 43,532.77 ps. is not just and proper.

The management of F.C.I. contested the case. The Deputy Manager, A. N. Dhamija submitted Written Statement on 11-11-98. It is mentioned in the Written Statement that from 13 stacks shortage of 295 Qtls. 90 Kgs and 900 gms rice was found during the period 1983 to 1985 while R. B. S. Prasad was posted as Depot Incharge at Lamta, Jabalpur Division. In percentage terms the shortage loss was ranging from 2.5 percent to 12.23 percent in different stacks which is abnormal. Reasonable opportunity was given to R. B. S. Prasad to explain the shortage of rice while giving chargesheet by the competent authority. An allowance of 1.5 percent was given to the workman for the losses which could occur due to natural causes. The disciplinary authority had considered the enquiry report and held the workman R. B. S. Prasad responsible for the loss caused to F.C.I. The disciplinary authority has reduced the penalty to Rs. 43,532.77 ps. Latter on the penalty of withholding two increments was also withdrawn. The disciplinary authority was competent to make any modifications in the finding of the Enquiry Officer and to impose penalty which was considered reasonable by him. Thus the order of the disciplinary authority is justified.

Both the parties produced documentary evidence and the oral evidence. Both the parties have submitted their Written Arguments.

I have considered the entire oral and documentary evidence on record.

Shri R. B. S. Prasad had submitted his affidavit on 05-03-99. He was cross examined on 13-10-2000. It is admitted to workman R. B. S. Prasad that he was posted at F.C.I. Center, Lamta in Madhya Pradesh from January, 1983 to January, 1985. He also admitted that he was the incharge of the Depot at Lamta and the food grains of this depot were in his custody. He admitted that 295 Qtls. 90 kgs. and 900 gms. rice common was found short from the 13 stacks. The value of the rice was Rs. 225 per Quintal. The loss caused was valued Rs. 66,579.52 Ps. He says that the loss was caused by rats, birds and the bad condition of the godown. He had made entries of these 13 stacks of rice in the register. In the storage register the receipt of the rice was of 'A' grade. He says that the Quality Control Department had not given proper treatment to the godown.

Shri R. B. S. Prasad further stated in his statement that storage loss statement is prepared every month but he did not prepare any such statement from January, 1983 to January, 1985. It is therefore clear that R. B. S. Prasad was responsible for informing his superior officers about the loss of the food grains caused at his depot in Lamta from January, 1983 to January, 1985. He therefore deliberately did not send any information about the aforesaid loss caused to F.C.I. to his superior officers. He also did not send any information that the birds or rats are causing any loss to the food grains at his depot. He also did not take any steps to save the F.C.I. Godown from this loss. The aforesaid circumstances show that the workman was responsible for causing the loss of 295 Qtls. 90 Kgs. and 900 gms. rice common to the Food Corporation of India.

Shri Paishuni Kumar, Regional Manager, F.C.I., Bhopal was examined from the side of management. In his statement in the Court, he stated that the aforesaid loss in the storage was caused within the period of 14 months from the date of storage in the godown. If the rice is kept in a store for more than 1 year, 1.5 percent loss is considered justified. He also stated that R. B. S. Prasad did not prepare any statement showing the loss in the rice stock for the period from January, 1983 to January, 1985 while he remained posted at Lamta F.C.I. Depot. He further stated that

before holding enquiry, investigation regarding the storage loss was conducted and after that the chargesheet was issued to the workman. At the time of receiving the rice in the stock its category was noted as 'A' grade. In some stacks the loss was caused 12.23 percent which is unjustified. The storage loss is calculated at each stack. Shri R. B. S. Prasad also did not maintain the technical record though technicians were working under him. If any loss was caused due to any technical reasons, he could have recorded it in technical record.

He also stated that during enquiry the workman had demanded ten documents out of which five documents which were relevant with this case were given to him. Irrelevant documents were not provided by the Enquiry Officer.

The representative of the management has argued that the workman had no grudge against the Enquiry Officer. He has not challenged the enquiry report.

The workman has stated in the Statement of Claim that the disciplinary authority has not passed the order dated 09-02-94 properly. The workman has therefore challenged the order of disciplinary authority dated 09-02-94.

I have considered the order of the disciplinary authority dated 09-02-94.

The disciplinary authority has given detailed reasons for imposing penalty. He has clearly mentioned that the loss was caused in 13 stacks. He has mentioned the details of Stack No. A/5/A, Stack No. A/8/A, Stack No. A/7(RRC), Stack No. A/4/A(PBC), Stack No. A/9(PBC), Stack No. A/1/A(PBC), Stack No. A/1(RRC), Stack No. V/8(RRC), Stack No. A/7(PBC), Stack No. A/8(PBC), Stack No. V/2(PBC), Stack No. V/4(PBC), Stack No. V/1(PBC).

It is therefore clear that the disciplinary authority, Senior Regional Manager, Shri M. C. Tiwari has considered the facts and circumstances in which the losses were high and he has given cogent reasons for recording his findings. He has clearly mentioned that an allowance of 1.5 percent can be given to Shri R. B. S. Prasad but for the losses more than 1.5 percent he is responsible. After giving an allowance of 1.5 percent in the storage loss as per rules he had imposed penalty Rs. 43,532.77 Ps. on the workman.

The appellate authority, Zonal Manager, Shri S. S. C. Madan in his order No. VIG/5(23)MAH/94 dated 09-11-95 also held that the finding of the Senior Regional Manager was justified. It is mentioned by the appellate authority that there is preponderance of probability of reasons like pilferage contributing greatly to these losses and the appellant (R. B. S. Prasad) being depot in-charge cannot escape responsibility for the same. In view of the above documentary and oral evidence on record the finding of the disciplinary authority and imposing of penalty of Rs. 43,532.77 Ps. to Shri R. B. S. Prasad, Asstt. Grade-III (Depot), F.C.I., Wardha is just, legal and proper.

The domestic enquiry was conducted according to principle of natural justice. The workman was given opportunity to defend himself in the enquiry proceedings. The relevant documents were also given to him.

The workman has not challenged the finding of the Enquiry Officer. He did not produce the Enquiry Officer in his defence in this Court. He has challenged the finding of disciplinary authority only.

The disciplinary authority and the appellate authority have considered the entire evidence and circumstances of the case and have given cogent reasons for holding R. B. S. Prasad responsible for the losses caused to the F.C.I. Thus the action of the management of Food Corporation of India through District Manager, Nagpur and Senior Regional Manager, Bhopal, M. P. in awarding the penalty of Rs. 43,532.77 Ps. to Shri R. B. S. Prasad, Asstt. Grade-III is just, legal and proper.

ORDER

The action of the management of Food Corporation of India through District Manager, Nagpur and Senior Regional Manager, Bhopal (M.P.) awarding penalty of Rs. 43,532.77 Ps. to Shri R. B. S. Prasad, Asstt. Grade-III (Depot), F.C.I. is just, legal and proper.

The workman is not entitled to any other relief.

The reference is disposed of accordingly.
Dated 4-2-2002.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 25 फरवरी, 2002

का.आ. 990.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 22-2-2002 को प्राप्त हुआ था।

[सं. एल-22012/367/एफ/92-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th February, 2002

S.O. 991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 22-02-2002.

[No. L-22012/367/F'92-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

REFERENCE NO. CGIT 31/2001

FOOD CORPORATION OF INDIA

AND

THEIR WORKMEN

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/367/F 92-IR(C-II) dated 17-03-93 on the following schedule.

SCHEDULE

“Whether the action of the management of Food Corporation of India

Nagpur, for deduction of wages from those employees who have participated in relay fast Dharna from 07-10-91 to 09-10-91 after making application for leave for the said purpose is proper and justified? If not, to what relief they are entitled to?”

In this reference the employee of the F.C.I. who had participated in the Relay Fast Dharna from 07-10-91 to 09-10-91 had applied for Casual Leave, Compensatory Casual Leave and Earned Leave but the management had refused to sanction the said leave vide order dated 28-12-91. The list of workmen who participated in Relay Fast Dharna on 07-10-91, 08-10-91 and 09-10-91 has been placed on the file. Today the District Manager, F.C.I. has submitted application that the matter had been settled between the workmen and the management. The management of Food Corporation of India has issued instruction with regard to sanction of leave for participation in the legitimate trade union activities vide circular No. IR (P & ID) '9-2'85-Pt dated 07/09-09-98.

The representative of both the parties are present in the Court today and have represented that the matter has been settled so they do not want to proceed further in this reference.

ORDER

The management of Food Corporation of India and the union of Food Corporation of India who is represented by Shri N. S. Shukla have settled the matter. As no dispute between the parties exists now, the reference is disposed of accordingly, as no dispute matter.

Dated : 25-1-2002

B. G. SAXENA, Presiding Officer

नई दिल्ली, 25 फरवरी, 2002

का.आ. 992.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 137/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/430/98-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th February, 2002

S.O. 992.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 137/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 22-02-2002.

[No. L-22012/430/98-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 30th January, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTE NO. 137/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 113/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Maniarasu and the Management of Food Corporation of India, Chennai.)

BETWEEN

Sri P. Maniarasu. I Party/Workman

AND

The Deputy Manager (I.R.), II Party/
Food Corporation of India, Management
Chennai.

APPEARANCE :

For the Workman : Mr. T. Sivaganasambandhan, Advocate.

For the Management : Sri M. Imthias, Advocate.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-22012/430/98-IR(CM-II) dated: 07-07-99.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 113/99. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 137/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on: 01-02-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 17-01-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side, upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

710 GI/2002—24

Whether the action of the management of Food Corporation of India in terminating the services of the workman Sri P. Maniarasu by their order dated 12-01-1998 ? If not, to what relief he is entitled ?”

2. The averments in the Claim Statement of the I Party/ Workman Sri P. Maniarasu (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner was working as a filling maistry and subsequently re-designated as Handling Mazdoor in the I Party/ Management of Food Corporation of India (hereinafter refers to as Respondent) establishment. The Petitioner was also functioning as President of Food Corporation of India Employees Co-operative Thrift and Credit Society. Since the Petitioner was prosecuted for the allegation of misappropriation of funds belonging to Food Corporation of India Employees Co-operative Thrift and Credit Society by the Co-operative department. The petitioner was suspended vide letter dated 19-8-87. The criminal proceedings initiated before the 16th Metropolitan Magistrate Court, George Town in C.C. No. 5691/87. The Deputy Registrar of Co-operative Society (credit) passed an order against the Petitioner to deposit a sum of Rs. 2,28,814.22 with interest. The Food Corporation of India has been restrained by the Co-operative Tribunal not to disburse any amount to the Petitioner. Criminal proceedings in C.C. No. 5691/87 was prosecuted by the CCWI Madras and the same is pending. Inspite of the Co-operative Tribunal had given sufficiently long time to the Petitioner to settle the dues to the Food Corporation of India Employees Co-operative Thrift and Credit Society, the Petitioner has failed to pay the amount and consequently, the Respondent terminated the services of the Petitioner after holding an enquiry. The Petitioner issued lawyer's notice on 24-10-97 for reinstatement of the Petitioner in the Respondent establishment along with back wages. But the Petitioner was called upon to appear before the Deputy Manager/P.O. for enquiry on 15-12-97. At the time of enquiry, the Petitioner was informed that they are not concerned with the suspension redressal of the suspension and other things connected with it and also the contentions of the representations and legal notices for reinstatement with back wages. The Respondent has nothing to do with the liability of the Petitioner with the Co-operative Society. Even assuming the Petitioner fails to succeed in his attempt against the order passed by the Co-operative Tribunal. The suspension allowance is paid to the Petitioner only till January, 1997 and subsequent to July, the suspension allowance is not paid. The Petitioner is governed under the Standing Orders for workmen employed at Madras Harbour Standing Orders. As per that standing orders, theft, fraud, dishonesty, pilferage of any property belonging to the employer or anyone else in the port premises are considered to be misconducts. The place of the business of the co-operative society in 1987 and prior to it was located at No. 18, Moore Street, Mannady, Madras and not in the premises of the Respondent. No charge sheet was filed for the departmental enquiry. No enquiry pertaining to the suspension has been conducted. The Petitioner belongs to a category (permanent) the Standing Order under Section 23(3). The Respondent has suspended the Petitioner for extraneous reasons. No enquiry was conducted. He was not found guilty. His conduct in the co-operative society has nothing to do with the Respondent's firm. The criminal case is pending till date. No judgement has been passed in the criminal case till date. His date of appointment was 4-4-1985 and his date of suspension was 17-8-87. The retirement date is 4-4-98. The Respondent has terminated the Petitioner from the job by an order dated 12-1-98. The said order is unjustified and illegal based on extraneous consideration. As per the Standing Order 23(4), no order of termination of employment by way of punishment for misconduct shall be made, unless the workman is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him and an enquiry is held in consequence with the principles of natural justice and is permitted to be assisted at the enquiry by a co-worker of his choice, if he so desires. The approval of the Chief Officer of the department in-charge of Port Operations at Madras will be required for this order. The Respondent has not followed this procedure. From the date of suspension, he was receiving the subsistence allowance about Rs. 1000. His date of retirement falls in April, 2000, he ought to have been given promotion as Head Maistry by June, 1987. His subsistence allowance was stopped in November, 1997. He agitated it before the Management. All of a sudden, the Management said that there was an enquiry by the end of

1998 and without conducting any enquiry, the Petitioner was terminated on 12-1-98. The very suspension is illegal as it was imposed without any enquiry. The grounds of termination is farce and baseless. The provident fund in 1993-94 which includes the contribution of management of a sum of Rs. 85,718 available in the account of the Petitioner is Rs. 1,75,658. He is entitled for pension after retirement. The Respondent has not followed the procedure established in the standing orders. No proper enquiry was conducted. No misconduct was proved. The order was against the principles of natural justice because of these infirmities the termination order suffers. The Petitioner claims salary from April, 1986 to December, 1999 at Rs. 13,000 per month and subsistence allowance at Rs. 1000 per month, exclusive of the P.F. amount. Hence, this Hon'ble Tribunal may be pleased to quash the termination order and order reinstatement of the Petitioner along with all back wages of Rs. 13,60,000, P.F. contributions and other monetary benefits.

3. The II Party/Management Food Corporation of India (hereinafter refers to as Respondent) has filed the Counter Statement. The averments in the Counter Statement of the Respondent are briefly as follows :—

The Respondent/Management constituted an Enquiry Committee and the Enquiry Committee after hearing the Petitioner gave a finding against the Petitioner and the Petitioner was accordingly terminated from service w.e.f. 12-1-98 by an order dated 12-1-98 for misappropriation of Food Corporation of India Staff/Workers Society funds. The averments of the Petitioner in the Claim Statement that the Respondent/Management is no way concerned with the alleged liability of the Petitioner with Food Corporation of India Employees Co-operative Thrift and Credit Society is not correct. The Petitioner was working in the Harbour premises of the Respondent and he has been elected as a Director to the Society only by the workers of the Respondent establishment. Only for administrative convenience, the Food Corporation of India Employees Co-operative Thrift and Credit Society is functioning outside the Harbour premises and the Petitioner is liable to answer and responsible for the finance matters of the Food Corporation of India Employees Co-operative Thrift and Credit Society. The Respondent/Management has given a long time to the Petitioner herein to repay the misappropriated amount in the Food Corporation of India Employees Co-operative Thrift and Credit Society as directed by the Co-operative Registrar and in view of that the Respondent/Management has been enlarging his suspension period from time to time and further criminal proceeding was also pending. The Petitioner herein was paid subsistence allowance during the period of his suspension. The suspension is due to serious misconduct namely misappropriation of Food Corporation of India workers' funds and falsification of accounts. The action taken against the Petitioner is only as per the standing orders. The Respondent terminated the services of the Petitioner after following the rules and regulations provided in this regard. The Petitioner is not entitled to any monthly pension, since the workers of the Food Corporation of India were covered under Contributory Provident Fund, in view of that the Petitioner is not entitled to any pension. The claim of the Petitioner made in the Claim Statement are made with exaggeration and the Petitioner is not entitled to any amount as claimed by him. After properly conducting the enquiry for the alleged misappropriation of Food Corporation of India workers' funds, the Petitioner was terminated from service as per Standing Orders. Therefore, the claim of the Petitioner is devoid of merits and the same is liable to be dismissed with exemplary cost of the Respondent.

4. When the matter was taken up for enquiry, no one was examined as a witness on either side. On the side of the Petitioner seven documents and on the side of the Respondent two documents were marked by consent of the counsel on either side as Ex. W1 to W7 and M1 and M2 respectively. The counsel on either side have advanced their respective arguments.

5. The Point for my consideration is—

"Whether the action of the management of Food Corporation of India in terminating the services of the workman Sri P. Maniarsu by their order dated 12-01-98 is justified? If not, to what relief he is entitled?"

Point :—

It is admitted that the Petitioner Sri P. Maniarsu was working as ~~being~~ maistry and subsequently re-designated as Handling Mazdoor under Token No. 2001 and that while, he was in service, he was ~~of~~ of Food Corporation of India Employees Co-operative Thrift and Credit Society. It is also not disputed that the Petitioner was prosecuted for the allegations of misappropriation of funds belonging to Food Corporation of India Employees Co-operative Thrift and Credit Society by the Co-operative department and the Deputy Registrar of Co-operative Society (Credit) passed an order against the Petitioner to deposit a sum of Rs. 2,28,814.22 with interest and a criminal proceedings was also initiated before the 16th Metropolitan Magistrate Court, George Town in C.C. No. 5691/87 by CCWI/Wing/Madras and it is pending. Ex. W1 is the xerox copy of the summons issued to the Petitioner by the 16th Metropolitan Magistrate Court in C.C. No. 5691/87 and because of these reasons, the Respondent/Management has passed an order dated 17-8-87 exercising the powers conferred under Section 23(1) and 23(3)(v) of the Standing Orders for the workmen employed at Madras Harbour and placed the Petitioner under suspension with immediate effect. The xerox copy of that suspension order is Ex. W2. Then an enquiry has been initiated by the Respondent/Management against the Petitioner in respect of the alleged misconduct of the misappropriation of funds belonging to the Food Corporation of India Employees Co-operative Thrift and Credit Society. For that, an enquiry notice has been issued to the Petitioner dated 11-12-97 for the enquiry fixed on 15-12-97. The Xerox copy of that enquiry notice is Ex. W3. Accordingly, an enquiry was conducted by the Respondent/Management on 15-12-97. The xerox copy of that proceedings of the Enquiry Committee is Ex. M2. In that enquiry, the Petitioner has also participated and put forth his defence, in token thereof, he has subscribed his signature in every page of the enquiry proceedings Ex. M2. It is not disputed that the Petitioner has not paid the amount as per the award passed by the Co-operative Sub-Registrar in the arbitration proceedings. The Petitioner has preferred an appeal before the Co-operative Appellate Tribunal against the order passed by the Co-operative Sub Registrar. The xerox copy of the order passed by the Appellate Tribunal in that appeal of the Petitioner is Ex. M1. In the appeal, it is confirmed that the Petitioner has misappropriated the funds belonging to the Food Corporation of India Employees Co-operative Thrift and Credit Society and he was directed to pay the amount with interest. Seven years after the passing of this order by the Co-operative Appellate Tribunal, the Respondent/Management have taken disciplinary proceedings and conducted an enquiry on 15-12-97. In pursuance of the same, the Respondent/Management has passed an order dated 12-1-98 terminating the Petitioner from the services of the Corporation in view of the Court verdict and the decision has taken by the Competent Authority. The xerox copy of the termination order is Ex. W4. Ex. W5 is the PF Pass book of the Petitioner and Ex. W6 and W7 are the account slip and xerox copy of the accounts slip of the Petitioner for the years 1992-93 and 1993-94 respectively. The action taken by the Co-operative department for the alleged misappropriation of the Food Corporation of India Employees Co-operative Thrift and Credit Society funds by the Petitioner and in pursuance of that misconduct, the Sub Registrar of Co-operative Society has passed an Award in the Arbitration and the same has been confirmed by the Co-operative Appellate Tribunal are not disputed. It is also not disputed that CCWI has also initiated criminal proceedings against the Petitioner and it is pending. In the enquiry proceedings, the Petitioner has denied all these charges. It is his contention that he has got sufficient funds in his P.F. account but he has not chosen to pay the dues as per the award. It is the contention of the Petitioner that Food Corporation of India, the Respondent herein, has no way concerned with his activities as an office bearer of Food Corporation of India Employees Co-operative Thrift and Credit Society and for the alleged misconduct of the Petitioner in that Society, the Respondent/Management cannot proceed against him and dismissed him from service. The xerox copy of the Standing Orders for workmen employed at Madras Harbour has been filed by the Respondent. In this standing order under the heard 'Disciplinary Action' in Clause 23(3)(v), it is mentioned that 'theft, fraud, dishonesty, pilferage of any property belonging to the employer or anyone else in the port premises' has been listed as an act of omission and it shall be treated as a misconduct. It is the contention of the Petitioner that the Thrift Society is not in the port

premises, so the said standing order is not applicable to the petitioner's alleged act of misconduct or mala fide guilty. The respondent has denied the allegations against him about the misappropriation of funds of the employees of Food Corporation of India from the Food Corporation of India Employees Co-operative Thrift and Credit Society, as it is found by the Co-operative department orders or award passed by the Co-operative Sub Registrar and subsequently confirmed by the Co-operative Appellate Tribunal. He has stated that he can pay only after the Writ Appeal has been disposed of. The learned counsel for the Respondent has argued that the act of misconduct of misappropriation of the employees' amount from the Food Corporation of India Employees Co-operative Thrift and Credit Society by the petitioner can be considered as a misconduct under the Standing Order clause 23(3)(v), though the Co-operative Thrift Society is functioning for administrative reasons outside the port premises. For which he has relied upon the decision of the Madras High Court reported as 1991 (11) LLN 724 Engine Valves Ltd. Vs. First Additional Labour Court, Madras and another. In that case, it is held "deciding the question as to whether the act complained of is a misconduct falling within the meaning of relevant standing orders", the Court has held "in a case where the workman of the company assaulted a co-workman at a place about one kilometre away from the factory, in the domestic enquiry the company terminated the services of the two workmen on the ground that the act complained of would constitute misconduct within the meaning of relevant standing orders of under the standing order of the Respondent/Management and in view of the judgement of the Hon'ble Madras High Court in the above cited case, the said misconduct committed by the Petitioner can be considered as a misconduct within the meaning of the relevant standing orders of the company, which is an act subversive of discipline, though the said act complained of took place outside the premises of the Madras Port. Under such circumstances, it can be held that the action of the Management, after taking necessary steps by way of an enquiry for the alleged misconduct of the Petitioner/Workman of the Respondent establishment and had come to the conclusion that it is an misconduct as per the standing orders of the Respondent/Management, by passing an order terminating the Petitioner from the services, is justified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly."

6. In the result, an Award is passed holding that the 1 Party/Workman Sri P. Maniarasu is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th January, 2002).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :
on either side : None.
DOCUMENTS MARKED :
For the I Party/Workman :

Ex. No.	Date	Description
W1	13-08-87	Xerox copy of the summon in C.C. No. 5691/87 issued to the Petitioner by Metropolitan Magistrate Court, Chennai.
42	17-8-87	Xerox copy of the enquiry notice issued suspension order to the Petitioner by the Respondent/Management.
W3	11-12-97	Xerox copy of the enquiry notice issued by the Respondent to the Petitioner fixing the date of enquiry.
W4	12-01-98	Xerox copy of the order of termination issued to Petitioner by the Respondent.
W5	Nil	Original P.F. pass book of the Petitioner.
W6	1992-93	Original account, slip of the Petitioner under token No. FM3.
W7	1993-94	Xerox copy of the account slip of the Petitioner under Token No 2001.

For the II Party/Management :

Ex. No.	Date	Description
M1	19-01-90	Xerox copy of the order of the Co-operative Appellate Tribunal.
M2	15-12-97	Xerox copy of the enquiry proceedings.

नई दिल्ली, 25 फरवरी, 2002

का.आ. 993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सो. आई. एफ. ए. के प्रबंधन के संबद्ध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (औद्योगिक विवाद 35/2001/ धारा 33ए के अंतर्गत औद्योगिक विवाद संख्या 22/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-02-2002 को प्राप्त हुआ था।

[सं. एल-22025/3/2002-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th February, 2002

S.O. 993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-LC, Bhubaneswar (I.D. Misc. No. 35/2001 filed under Section 33-A in the matter of I.D. No: 22/2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CIFA and their workman, which was received by the Central Government on 22-02-2002.

[No. L-22025/3/2002-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour,
Court, Bhubaneswar.

INDUSTRIAL DISPUTE MISC. CASE

NO. 35/2001

Date of concluding of the hearing 8th Jan. 2002

Date of Passing Order-24th Jan. 2002

BETWEEN :

1. Babuli Pradhan.
2. Dhaneswar Behera.
3. Dinabandhu Bhoi.
4. Kunja Muduli.
5. Rama Chandra Sundaray.
6. Ashya Bhoi.
7. Naran Bhoi.
8. Kabibar Bhoi.
9. Bichitra Kumar Samal.
10. Pramodi Kumar Bhoi.
11. Prafulla Kumar Bhoi.
12. B. N. Bhoi.
13. Sanatan Muduli.
14. B. C. Mallick.
15. Chaturbhuj Sahu.
16. Ganesh Bhoi.
17. B. K. Behera. Petitioner.
18. D. Behera.
19. Lalit Behera.
20. Rabindra Mallick.
21. Srikanta Bhoi.
22. Hemanta Kumar Sethi.
23. Narayan Barik.
24. Basanta Kumar Sahu.
25. Surnedra Kandi.
26. Pabitra Behera.
27. Prakash Kumar Naik.
28. Sanatan Bhoi.

AND

The Management of The Director.
CIFA, Kausalyaganga, Bhubaneswar.

.. Opposite Party

Appearances :

Shri K. C. Das. Asst. For the Opposite
Administrative Officer Party.

Debendranath Mallick. For the Petitioner/Complainants.

ORDER

2. This Misc. Case arose on the application filed by the petitioners under section 33-A of the Industrial Dispute Act, 1947.

3. The case of the petitioners may be stated in brief.

An Industrial Dispute is pending before this tribunal bearing I.D. 22/2000 between them and the Opp. Party. Reference has been made by the Government of India, Ministry of Labour to answer, whether the action of the Opp. Party by not regularizing the services of 50 Workmen who have completed 240 days of continuous service is justified? If not what relief the Workmen are entitled to? The above petitioners are also the parties to that dispute. The dispute is subjudice before this Tribunal. But all of a sudden the petitioners were refused employment. The Opp. Party refused employment to the above 28 petitioners on 2-7-2001 who were concerned with the Industrial Dispute pending before this Tribunal. Their representation to allow them to work till the disposal of the Industrial Dispute was turned down by the Opp. Party. So they have filed an application with a prayer that the refusal of the Opp. Party to engage them when the dispute is pending is illegal and unjustified and they should be allowed engagement.

3. The Opp. Party has filed show cause. They have taken the stand that the Misc. Case is not maintainable. The Union is not competent to raise a complaint on behalf of the petitioners. Besides the above two technical objections, the case of the Opp. Party is that when the petitioners are Casual Labourers and their services are being utilized as per the need of the work they have got no condition of service and refusal to engage them does not come under the definition of retrenchment and in that case it is not the case of the change of condition of service.

4. As regards the first objection that, the organization of the Opp. Party does not come under the definition of Industry, no submission has been made on behalf of the Opp. Party. As regards the second objection, as per the order of this Court passed on 27-12-2001 the concerned petitioners have filed their authorization to be represented through their Secretary. So the two technical objections raised on behalf of the Opp. Party now can not be accepted. Coming to the merit of the case it is admitted that these petitioners are the party to the Industrial Dispute i.e. I.D. Case No. 22/2000 pending before this Tribunal for adjudication. They have prayed for their regularization. When the main Industrial Dispute is pending the Opp. Party has refused

engagement to them. The refusal of employment by the Opp. Party has not been disputed. So admittedly they have been refused employment from 2-7-2001 and no permission has been obtained by the Opp. Party from the Tribunal to dis-engage the petitioners. It is submitted on behalf of the Opp. Party that, the petitioners being the casual workers they have got no condition of service and refusal of engagement by the Opp. Party would not be a case of change of condition of service. According to the Opp. Party admittedly when they have prayed for their regularization of services that would appear that they are casual workers and their services was required as per the need of the work. So, when there was no work the services of the 28 persons was not utilized and so they were refused engagement. On the other hand it has been submitted on behalf of the petitioners that when their claim for regularization is pending the refusal of engagement is a change of condition of service and when no permission has been obtained from the Tribunal the action of the Opp. Party is illegal and unjustified. It has been further submitted that, particularly out of 50 casual workers 28 persons have been refused engagement. No reason has been assigned as to why they were refused engagement but not others. In the opinion of the petitioners with the mala fide intention the Opp. Party has refused engagement to them.

5. Reference may be made to the case of the Bhavnagar Municipality and Alibhai Karimbhai and others, reported in 1977-I-LLJ-407. In that case, it has been held that, retrenchment may not, ordinarily, under all circumstances, amount to alteration of the conditions of service. But whenever the subject matter being directly connected with the conversion of the temporary employment into permanent, tampering with the status quo ante of these workers is a clear alteration of the conditions of their service. In the reported case there is a demand of the workers for conversion of their temporary status to permanent one. When a dispute was pending before the Tribunal the Management decided to entrust the work which had till then been performed by these workers, on the employment of the contractor by the Municipality for the self-same work, the services of the workers were become unnecessary and the Management passed the order of retrenchment. In that case, it was held that, retrenchment of workers even temporary, the employment of the workers ceased while their

dispute before the Tribunal was pending in order to improve that temporary and insecure status. In the present case, a dispute is pending whether these petitioners and others had claimed for regularization of their services. That means they have prayed for permanent status. But when the dispute is pending the Opp. Party has refused engagement to the petitioners. In the cited case it was held that the character of the temporary employment to the petitioners being a direct issue before the Tribunal, that condition of employment, however insecure, must subsist during the pendency of the dispute before the Tribunal and can not be altered to their prejudice by putting an end to that temporary condition and this could have been done only with the express permission of the Tribunal. But in the present case, that has not been done. The observation made by the Apex Court in the reported case was also accepted by the Orissa High Court in the case of the Orissa Oil India Mazdoor Union and Others and Union of India and Others, reported in 1992 (1) LLJ 414. In this case, it was held that, four conditions are required to be proved when an application is filed under section 33-A of the Industrial Dispute Act. Those are, there must be a dispute pending; the Workman is concerned with that dispute, there is a prejudicial of alteration of service condition and such alternation should be in regard to any matter connected with the pending dispute. If those conditions are available, without express permission of the authority concerned in writing it was not open to the employer to effect disengagement. In the present case, a dispute is pending between the parties, the petitioners are concerned to that dispute, the petitioners have been refused engagement that means there is prejudicial of alteration of service condition and that alteration is connected with the pending dispute. Admittedly no permission has been obtained by the Opp. Party from the Tribunal to refuse engagement to the petitioners.

6. After careful consideration of the materials on record and after hearing of both the parties I am of the opinion that the action of the Opp. Party refusing engagement to the petitioners when the dispute is pending is not justified and legal. The petitioners are entitled to continue in the engagement.

7. Hence, the Misc. Case is allowed on contest. The action of the Opp. Party refusing engagement of the petitioners, declared as illegal and unjustified. Petitioners should be

offered engagement till the disposal of the Industrial Dispute which is pending before this Tribunal.

8. This order is pronounced in the Open Court today, i.e. on 24-1-2002.

S. K. DHAL, Presiding Officer

का.आ.994.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2002 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा-76 की उपधारा (i) और धारा-77, 78 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात् :—

“जिला बरगढ़ की बरगढ़ तहसील में बरगढ़ नगरपालिका ब्रम्बाचारी एवं बरडोल के राजस्व गांव वाले क्षेत्र” ।

[संख्या एस-38013/4/2002-एस.एस.-I]

आलोक अग्रवाल, अवर सचिव

New Delhi, the 21st February, 2002

S.O. 994.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The areas comprising the revenue villages of Bargarh Municipality, Brambachari and Bardol in Tahasil Bargarh of District Bargarh.”

[No. S-38013/4/2002-SS.I]

ALOK AGARWAL, Under Secy.

नई दिल्ली, 26 फरवरी, 2002

का.आ.995.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 01 मार्च, 2002 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 (धारा-76 की उपधारा (i) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला वेल्लूर के वालाजा तालुके में राजस्व ग्राम-शोलिंगुर,

पांडियनल्लूर कलपट्टु और मेलवेकटापुरम के अन्तर्गत आने वाले क्षेत्र” ।

[संख्या : एस-38013/5/2002-एस.एस.-I]

आलोक अग्रवाल, अवर सचिव

New Delhi, the 26th February, 2002

S.O. 995.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Sholingur, Pandianallur, Kalpattu and Malvenkatpauram of Walaja Taluk in Vellore District.”

[No. S-38013/5/2002-SS.I]

ALOK AGARWAL, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का.आ.996.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा -1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2002 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला दार्जिलिंग में सिलीगुड़ी क्षेत्र के निम्नलिखित मौजों के अधीन आने वाले राजस्व ग्राम : “सिलीगुड़ी जे.एल. नं.-110, मनदाइगुड़ी-जे.एल. नं.-107, डाकनीकाटा-जे.एल. नं.-105, उजानू-जे.एल. नं.-86, कलकुठ-जे.एल. नं.-44, देवग्राम-जे.एल. नं.-2” ।

[संख्या : एस-38013/6/2002-एस.एस.-I]

आलोक अग्रवाल, अवर सचिव

New Delhi, the 28th February, 2002

S.O. 996 — In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Govt hereby appoints the 1st April, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought

into force) of the said Act shall come into force in the following areas in the State of West Bengal namely :—

“Areas comprising the following Mouzas in Siliguri, District Darjeeling :—Siliguri-J.L. No. 110, Mandaiguri-J.L. No. 107, Daknikata-J.L. No. 105, Ujanu-J.L. No. 86, Kalkut-J.L. No. 44, Dabgram-J.L. No. 2.”

[No. S-38013/6/2002-SS.1]

ALOK AGARWAL, Under Secy.

नई दिल्ली, 27 फरवरी, 2002

का.आ.997:—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि यूरेनियम उद्योग को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 19 के अन्तर्गत निदिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग कर हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/9/97—आई.आर. (पी.एल.)]

एच. सी. गुप्ता, उप सचिव

New Delhi, the 27th February, 2002

S.O. 997.—Whereas the Central Government is satisfied that the public interest requires that the Uranium Industry, which is covered by item 19 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility services for the purposes of the said Act :

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Govern-

ment hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/97-IR(PL)]

H. C. GUPTA, Dy. Secy.

नई दिल्ली, 27 फरवरी, 2002

का.आ.998.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि सिक्युरिटी पेपर मिल, होंशंगाबाद में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 21 के अन्तर्गत निदिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/16/97—आई.आर. (पी. एल.)]

एच. सी. गुप्ता, उप सचिव

New Delhi, the 27th February, 2002

S.O. 998.—Whereas the Central Government is satisfied that the public interest requires that the services in the Security Paper Mill, Hoshangabad, which is covered by item 21 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility services for the purposes of the said Act :

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/16/97-IR(PL)]

H. C. GUPTA, Dy. Secy.

